

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: January 4, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 006-20 FOR 1/12/21 CLOSED-
SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
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77 th Street	2/21/20	01:29 a.m.		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Molina, C./PO II	2 years, 9 months
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Total Involved Officer(s)

2 x PO II

<u>Suspect</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
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Dorothy Jean Kolen: Female Black, 28 years of age.

COP Recommendations

Tactics – Administrative Disapproval, Officer Park. Tactical Debrief, Officer Molina.

Drawing/Exhibiting – In Policy, No Further Action, Officers Park and Molina

Non-Lethal Use of Force – In Policy, No Further Action, Officers Park and Molina.

Lethal Use of Force – In Policy, No Further Action, Officer Molina.

IG Recommendations

Tactics – Same as COP.

Drawing/Exhibiting – Same as COP.

Non-Lethal Use of Force – Same as COP.

Lethal Use of Force – Same as COP.

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INVESTIGATION

Annotated Force Investigation Division (FID) Incident Summary¹

Synopsis

On Friday, February 21, 2020, Southeast Patrol Division, uniformed police officers, on loan to 77th Street Patrol Division, responded to a radio call for of an unknown trouble. Upon their arrival, the officers located the suspect, who was later determined to be the person reporting (PR) the incident.

As they spoke with the suspect, an officer observed a shiny silver object in the suspect's waistband area and decided to detain her pending further investigation. As the officers attempted to detain the suspect, she removed a large knife from her rear waistband area and walked toward the officers resulting in an Officer-Involved Shooting (OIS).

Investigative Summary

On February 21, 2020, at approximately 0116:09 hours, Communications Division (CD) received a 911 call from a woman, who was later identified as the suspect, Dorothy Jean Kolen.² Kolen advised CD that she needed an officer to respond to 800 West 78th Street. When the Emergency Board Operator (EBO) asked Kolen what transpired, Kolen repeated her request for an officer and did not provide any additional information.³

At approximately 0117:38 hours, CD broadcast, *"Seventy-Seventh units, unknown trouble, 800 West 78th Street, 800 West 78th Street, female requesting PR (PD), unable to speak on the phone, Code Three Incident 240 , RD 1257. 77th Unit to handle the Code Three call identify."*

Note: During the 911 call, Kolen did not inform the EBO that she was unable to speak on the phone. However, when the EBO asked if Kolen was able to talk, Kolen merely repeated her request for an officer to respond.

¹ The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

² Dorothy Jean Kolen, female Black, 5 feet, 5 inches tall, 220 pounds, date of birth March 14, 1991. At the time of the incident, Kolen resided at 851 West 81st Street, apartment number eight, as verified by her California Driver's License.

³ Kolen called 911 from cellular phone number (424) 307-7608. It was subsequently determined that the cellular phone, assigned with the aforementioned phone number, was in Kolen's possession at the time of the OIS.

At approximately 0118:18 hours, Southeast Patrol Division uniformed Police Officers II Sylvia Park, Serial No. 42345, driver, and Cecilia Molina, Serial No. 43054, passenger, were on loan to 77th Street Patrol Division and assigned Unit 12A31W3.⁴ They advised CD that they would handle the call and responded to the location Code Three. During their response, both officers activated their BWV and Officer Molina read the comments of the call to Officer Park from their Mobile Data Computer (MDC).

The comments of the radio call indicated that the PR was unable to speak on the phone, causing Officer Molina to believe that the incident could be domestic violence related. Officer Molina's opinion was based on the comments of the call, combined with her prior experience and knowledge gained from responding to and handling prior domestic violence related incidents.

Southwest Patrol Division, uniformed Police Officers II Roberto Cabrera, Serial No. 42265, driver, and Keith Sutliff, Serial No. 41541, passenger, were also on loan to 77th Street Patrol Division and assigned Unit 12A73W3. They heard the aforementioned radio call and decided to respond to the location.⁵

Note: According to Officers Sutliff and Cabrera, they were in between radio calls at the time of the incident. Their intentions were to drive by the location and offer assistance to Officers Park and Molina if needed. Officers Cabrera and Sutliff did not advise CD they were responding to the location, nor did they activate their BWV or DICVS at that time.

At approximately 0123:29 hours, Officer Molina broadcast that they were Code Six.⁶ Shortly thereafter, Officers Park and Molina realized they were on 76th Street as opposed to 78th Street. They immediately drove to the correct location, which was approximately two blocks south.

⁴ Police Officer II Sylvia Park, 4 years, 3 months with the Department, 30 years of age, 5 feet 9 inches tall, 170 pounds. Police Officer II Cecilia Molina, 2 years, 9 months with the Department, 28 years of age, 5 feet 2 inches tall, 124 pounds. Officers Park and Molina were each carrying Department approved pistols, Body Worn Video (BWV) cameras, their TASERs, canisters of Oleoresin Capsicum (OC) Spray, Side Handle Batons and two pairs of handcuffs each. In addition, Officer Molina carried a Hobble Restraint Devices (HRD) on her person. Officer Park's HRD was attached to her equipment bag which was stored within their police vehicle, along with a 40-millimeter Less-Lethal Launcher. Officers Molina and Park had worked together for approximately five to six months prior to this incident.

⁵ Police Officer II Roberto Cabrera, 4 years, 4 months with the Department, 30 years of age, 6 feet 1 inch tall, 200 pounds. Police Officer II Keith Sutliff, 6 years, 1 month with the Department, 32 years of age, 6 feet 1 inch tall, 190 pounds. Officers Cabrera and Sutliff were each carrying Department approved pistols, BWV cameras, their TASERs, canisters of OC Spray, collapsible batons, HRDs and two pairs of handcuffs each on their persons. In addition, Officers Cabrera and Sutliff had their Side Handle Batons and a bean bag shotgun stored within their police vehicle. Officers Cabrera and Sutliff had worked together for approximately six months prior to this incident.

⁶ The Code Six time was gleaned from Officer Molina's BWV.

At approximately 0125:22 hours, Officers Park and Molina arrived at scene.⁷ The location of the radio call was a single-family dwelling located on the southwest corner of Hoover Street and 78th Street.⁸ The surrounding area was primarily residential and there were multiple vehicles parked along the north and south curbs of 78th Street. Officer Park stopped their vehicle in the street, facing west on 78th Street, just west of Hoover Street. The police vehicle was partially blocking the westbound lane of 78th Street.

Note: According to Officer Park, she parked along the north curb of 78th Street.

Upon their arrival, Officers Park and Molina identified the location of the radio call and communicated their observations with one another.⁹ Officer Molina exited the vehicle first and walked west a short distance, along the north side of the street. Officer Park began walking south, toward the location of the radio call. According to Officer Park, she believed Officer Molina was following her.

As captured by BWV, Officer Molina utilized her flashlight to illuminate the vehicles parked along the north side of 78th Street. According to Officer Molina, since the nature of the radio call was still unknown to them, she began visually checking the nearby vehicles for occupants. As she made her way west, Officer Molina observed Kolen seated on the north curb of 78th Street, between two parked vehicles.¹⁰ Officer Molina asked Kolen if she called the police and if she was okay. Kolen denied calling the police and replied, *"I'm fine."*

[...]

The following image is a still photograph that was captured from Officer Molina's BWV, that captured Kolen as she was seated on the curb between the two vehicles.

[This space intentionally left blank.]

⁷ The arrival time was gleaned from Officer Molina's BWV.

⁸ The investigation revealed that Kolen did not reside at 800 West 78th Street, nor was she affiliated with the residents.

⁹ At approximately 0125:20 hours, as captured by BWV, Officer Park told Officer Molina, *"Right here."* The officers then discussed whether the location was an apartment complex or a house.

¹⁰ Kolen was seated between a white GMC cargo van and a white Toyota mini-van. The aforementioned vehicles did not belong to Kolen.



Meanwhile, as Officer Park approached the south curb of 78th Street, she heard her partner speaking with Kolen and immediately joined Officer Molina on the north side of the street. According to Officer Park, Kolen was holding a wallet and set of keys in her hands. Officer Park also noted that a cellular phone was lying on the sidewalk next to Kolen.

Both officers attempted to communicate with Kolen and ascertain if she was the source of the radio call. According to Officer Molina, Kolen had a blank stare, her face was expressionless and her replies were very short. Based on Kolen's demeanor and the tone of her voice, Officer Molina believed that Kolen was possibly the victim of a crime and/or suffering from depression.

Note: As captured by BWV, Kolen spoke with the officers in a very low voice and repeatedly looked to the side and/or down toward the street.

During their conversation, Kolen identified herself as Dorothy and indicated that she lived nearby. Kolen reiterated to the officers that she was okay and denied calling the police. Officers Molina and Park then turned and walked toward 800 West 78th Street to continue their investigation.

Believing Kolen was possibly the source of the radio call, Officer Molina asked CD for the name of the person reporting (PR). The Radio Telephone Operator (RTO) responded and advised Officer Molina that they did not have the PR's name. According to Officer Molina, if they were unable to determine what transpired through further

investigation, she was considering contacting the Mental Evaluation Unit (MEU) and inquire if Kolen had a history of mental illness.

As Officers Molina and Park made their way to the south side of 78th Street, Officer Molina heard Kolen say, *"Don't go there. They didn't call you."*¹¹ Officers Molina and Park then turned around and walked toward Kolen, who was still seated on the curb. According to Officer Molina, it appeared that Kolen was trying to prevent them from speaking with the residents of 800 West 78th Street. This caused Officer Molina to believe the potential perpetrator may be at that location.

Officer Park assured Kolen that it was okay if she called the police and that they were there to help her. Both officers asked Kolen if she was the person who called the police and Kolen replied, *"I said they didn't call."*¹² Officer Park asked Kolen, *"What's wrong?"* Kolen was unresponsive. Although Officer Molina did not observe any visible injuries on Kolen's body, she asked her if she needed an ambulance. Kolen responded; however, it was unintelligible.

At approximately 0127:45 hours, Officers Sutliff and Cabrera arrived at scene. They drove east on 78th Street, stopped their vehicle in the street, and communicated with Officers Molina and Park through their open driver's side window. Officer Park advised Officers Sutliff and Cabrera that they did not require assistance. Officers Sutliff and Cabrera then left the scene.¹³

Note: According to Officer Molina, she believed Kolen was the victim of a crime and there were no indications, based on Kolen's actions and demeanor, that an additional unit was needed at that time.

As captured by BWV, when Officers Sutliff and Cabrera arrived at scene, Officers Molina and Park both simultaneously directed their attention away from Kolen and toward the officers for at least eleven seconds. The exact amount of time was unable to be determined due to the angle/positioning of the officers' BWV cameras.

Officers Molina and Park continued their conversation with Kolen, assuring her that she was not in trouble and reiterated that they were there to help her. According to Officer Park, something seemed *"off"*, and Kolen's lack of responsiveness was causing her concern. Based on Officer Park's training and experience, combined with Kolen's

¹¹ Officer Molina's statement, Page 14, Lines 4-5. Officer Molina and Park's BWV captured Kolen say something; however, it was unintelligible.

¹² Gleaned from Officer Molina's BWV at approximately 0127:03 hours.

¹³ Officers Sutliff and Cabrera did not go Code Six, nor did they exit their vehicle at this time. According to Officers Sutliff and Cabrera, they were not involved in the investigation and did not have any public contact at that time, so they did not activate their BWVs. Officers Sutliff and Cabrera were at scene for approximately 10 seconds.

demeanor, she opined that Kolen was more than likely the source of the radio call. According to Officer Park, *"I'm thinking all sorts of scenarios. I'm like is this an ambush? Like is someone in the car waiting for us? Because just by the way she's acting."*¹⁴

Officer Park was unsure if the cargo van belonged to Kolen and decided to check interior of the vehicle to ensure there were no occupants inside. Officer Park walked west a short distance and utilized her flashlight to illuminate the passenger compartment of the cargo van, as well as a white sedan that was parked just west of it. There were no occupants inside either vehicle.

According to Officer Park, the spacing was very tight between the two vehicles where Kolen was seated. Officer Park believed that she and Officer Molina would be unable to fit through the small space together, in the event that the situation escalated. Therefore, Officer Park decided to redeploy to the north sidewalk of 78th Street. Officer Park walked around the front of the cargo van and onto the north sidewalk. According to Officer Park, her intentions were to move to a position of advantage where she and her partner could triangulate on Kolen.

Note: At the time of the incident, the distance between the cargo van and mini-van was approximately 3 ½ feet. Officer Park estimated the distance between the vehicles was approximately 2 feet to 2 ½ feet.

Meanwhile, Kolen reached down toward the sidewalk, west of where she was seated, using her right hand. As she did so, Officer Molina's BWV captured a metallic sound.¹⁵ Kolen advised Officer Molina, *"I was putting my keys down."* Officer Molina asked Kolen, *"What do you have over there?"* and illuminated the area with her flashlight.

Officer Molina noted that Kolen's wallet was lying on the sidewalk, in the open position, displaying her identification.¹⁶

Note: According to Officer Molina, Kolen reached toward the sidewalk with her left hand. An analysis of the BWV determined that Kolen used her right hand.

Officer Park walked east on the north sidewalk and approached Kolen's right side. As she did so, Officer Park held her flashlight in her left hand and illuminated Kolen. According to Officer Park, she observed a shiny silver object in Kolen's right rear

¹⁴ Officer Park's statement, (first interview), Page 11, Lines 9-11.

¹⁵ Captured by Officer Molina's BWV at approximately 0128:15 hours.

¹⁶ Kolen's cellular phone, keys and wallet were recovered from the sidewalk, subsequent to the OIS.

waistband area.¹⁷ As captured by BWV, Officer Park leaned forward and pointed the flashlight directly at Kolen's right waistband area; however, she was unable to identify the object. According to Officer Park, she did not want to alert Kolen of her observation and cause an adverse reaction. Therefore, she did not verbally advise her partner about the object.

OIG Note No. 1: *As stated by Officer Park, "Oh, I didn't want to alert my -- I mean, I didn't want to alert the suspect because I didn't know what it was. I didn't want -- because she wasn't responding to us. She was not cooperating. I didn't know how she was going to react if I said -- if I alerted my partner that I see something."*¹⁸

Note: According to Officer Park, had she identified the object in Kolen's waistband as a knife and/or a sharp object, she would have advised Officer Molina of her observations and directed her to redeploy.

In addition, Officer Park would have requested additional units and/or a back-up, unholstered her TASER, and attempted to find cover while continuing to verbalize with Kolen.

Officer Park was cognizant that Officer Molina was standing in front of Kolen and feared for her safety. Believing Kolen was possibly armed with a weapon, Officer Park decided to detain Kolen pending further investigation. Officer Park's intentions were to place Kolen into a standing position, apply handcuffs, and conduct a cursory search of her person for weapons.

Officer Park ordered Kolen to stand up, but she did not comply. Therefore, Officer Park decided to go "hands on" with Kolen, in order to prevent her (Kolen) from reaching for the object. While holding her flashlight in her left hand, Officer Park leaned forward and grabbed Kolen's right forearm, using her right hand. As she did so, BWV captured Kolen stating, "Mm-mm, no, no, don't. Mm-mm."¹⁹

Note: According to Officer Park, she and Officer Molina had a standing tactical plan for initiating physical contact with suspects. If one officer goes "hands on," they both go "hands on," with the understanding that their partner observed a threat that they did not see.

¹⁷ According to Officer Park, she was only able to see a portion of the shiny silver object. Only ½ inch to 1 inch of the object was visible to her.

¹⁸ Officer Park, Page 40, Line 22 to Page 41, Line 3.

¹⁹ Gleaned from Officer Molina's BWV at approximately 0128:37 hours.

According to Officer Park, she grabbed Kolen's right bicep area using both hands. An analysis of the BWV determined that she grabbed Kolen's right forearm, using only her right hand.²⁰

OIG Note No. 2: *Regarding the "standing tactical plan," Officer Park told FID, "We -- my partner and I would -- when we respond to calls, it'd be -- we would talk about it. And if we just drive around, we would always talk about what we should do. We talked about, you know, if I -- like when we do a traffic stop, it'd be -- she calls them -- she would call them out and it'd be like she would see something that I didn't see, [...] it's like a nonverbal communication that we had. We just knew if she did something that we didn't, like, plan on doing, it's probably because she saw something that I didn't or vice versa that I did it because I saw something she didn't and we would just know. We talked about that multiple times."²¹ Officer Park later added, "It's like if I say something and I decide to go hands on, she knows what it means. We talked about it. Like I saw something, she didn't, so it's like a nonverbal communication we have. We've been doing that."²²*

During her interview with FID, Officer Molina was asked whether she and Officer Park discussed topics such as contact/cover, tactics, or other things of that nature during their time working together. Officer Molina replied, "We talked about pretty much she's going to be the driver, so she's going to be contact. I'm usually going to be cover. Obviously that can change depending on what kind of call it is or sometimes people are more receptive to me than they are to her and vice versus, so it'll change depending on that."²³ Officer Molina later added, "We also talked about like -- because there's a lot of, like, shootings in Southeast, so the resources that we're going to try to get there, which way we're facing so that officers know to respond without going into the line of fire. If it's like something where we don't have time to -- like if there's an active shooter incident, like if we're going to have to go in without, you know, waiting for units because it's urgent. Things like that."²⁴

Officer Park attempted to place her flashlight into her left lower pant pocket (sap pocket); however, she was unable to do so. According to Officer Park, Kolen began moving which prevented her from securing the flashlight. In an attempt to control

²⁰ Gleaned from Officer Molina's BWV at approximately 0128:42 hours.

²¹ Officer Park, Page 16, Line 19 to Page 17, Line 7.

²² Officer Park, Page 38, Lines 17-21.

²³ Officer Molina, Page 10, Lines 4-19.

²⁴ Officer Molina, Page 10, Line 20 to Page 11, Line 6.

Kolen's movement, Officer Park placed her left hand on Kolen's right upper arm, while still holding the flashlight in her hand.

According to Officer Molina, *"...I felt that maybe my partner saw something I didn't see or maybe she had -- she had some sort of weapon, because she was fidgeting around a lot."*²⁵ A combination of Officer Park's actions and Kolen's demeanor caused Officer Molina to believe that Kolen was possibly armed with a weapon.

Officer Molina was concerned, because she was unable to see Kolen's waistband area from her position and did not want to allow Kolen the opportunity to arm herself. Therefore, Officer Molina walked forward, between the two vehicles, and approached Kolen. According to Officer Molina, it would have taken too much time to walk around the cargo van and would have increased the distance between her and Officer Park.

Kolen started to stand up, and as she did so, Officer Park's BWV captured a knife protruding from her right rear pocket/waistband area. According to Officer Park, Kolen began pulling away from her and was "wiggling" her arms. Officer Park told Kolen, *"It's okay, we're trying to help you."*²⁶ Kolen then swung her right arm forward, causing Officer Park to momentarily lose her grip on Kolen's right forearm.

Note: Officer Park was still unaware that the object in Kolen's waistband was a knife.

The following image was captured from Officer Park's BWV. The image depicts a knife protruding from Kolen's rear waistband area as she began standing up.



²⁵ Officer Molina's statement, Page 33, Lines 21-24.

²⁶ Gleaned from Officer Park's BWV at approximately 0128:43 hours

Once in the standing position, Kolen stepped backward onto the sidewalk and began stating, “No” repetitively while backing away from Officer Park in an easterly direction. As Kolen backed away, Officer Park grabbed Kolen’s right wrist with her right hand and placed her left hand, which was still holding the flashlight, on top of Kolen’s right wrist.²⁷ Officer Molina approached Kolen’s left side and grabbed her left wrist using both hands.

Note: Officer Molina believed that she approached Kolen from behind and grabbed her right forearm area.

Kolen continued walking backward while simultaneously pulling her arms away from the officers. According to Officer Park, Kolen “wiggled” her arm, causing Officer Park to lose her grip on Kolen’s right wrist. Officer Park briefly held onto the right sleeve of Kolen’s sweatshirt, but Kolen was ultimately able to pull the sleeve from her grasp. In the process, Kolen’s right hand slipped into the sleeve of her sweatshirt, briefly concealing it.

According to Officer Molina, Kolen began pulling her arm and body in the opposite direction which she (Officer Molina) was pulling. Officer Molina stated to Kolen, “*Wait, ma’am, just calm down.*”²⁸ Kolen then bent her left elbow and swung her arm forward, in a punching type motion, causing Officer Molina to also lose her grip on Kolen’s left wrist.

As captured on BWV, Kolen repeatedly stated, “No” and continued backing away from the officers in an easterly direction toward Hoover Street. Officers Molina and Park proceeded to follow Kolen. Officer Park walked along the north side of the sidewalk, while Officer Molina walked along the south side. As they did so, Officer Molina was a few feet ahead of Officer Park, causing them to be slightly offset. According to Officer Molina, her intentions were to regain control of Kolen’s arm. Officer Park ordered Kolen to, “*Come here*” and to “*Stop*” but Kolen did not comply with the commands.

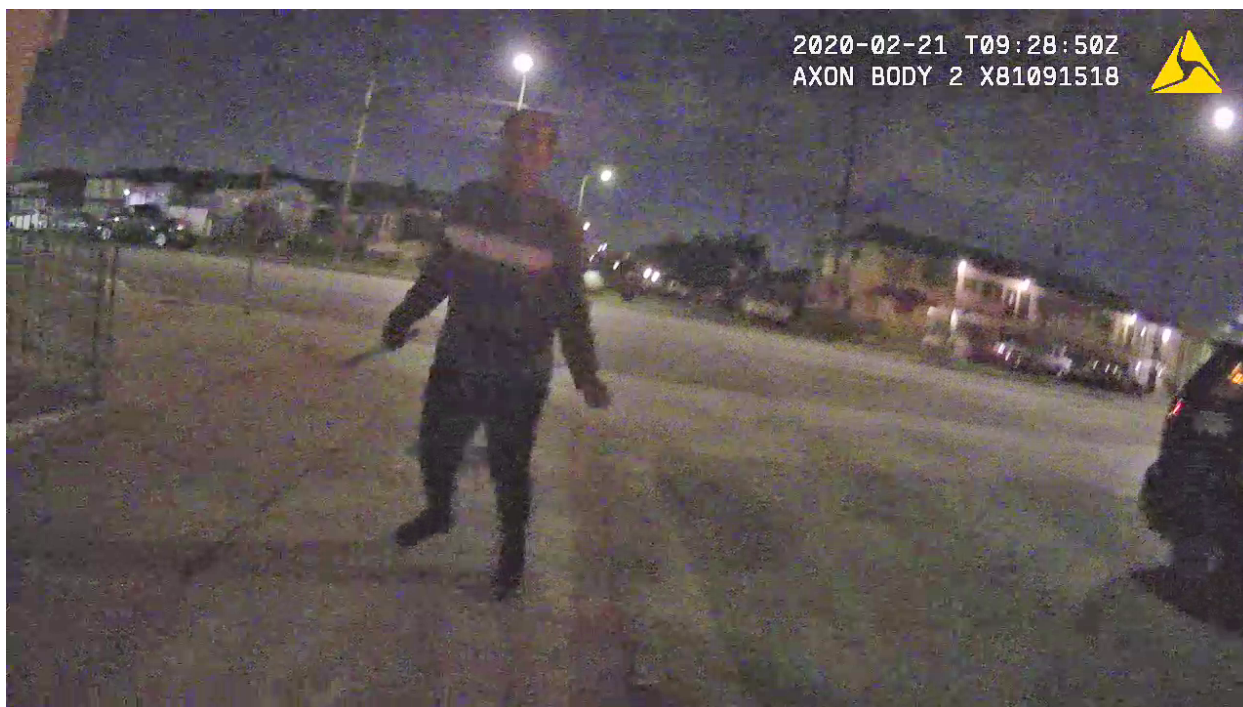
As Kolen continued to back away from the officers, she reached toward her right rear waistband area with her right hand and produced a large kitchen knife.²⁹ As captured by BWV, Kolen held the knife in her right hand, along her right side/hip area, with the blade facing in a northwesterly direction.

The following image was captured from Officer Molina’s BWV and depicts Kolen holding the knife.

²⁷ Gleaned from Officer Park’s BWV at approximately 0128:45 hours.

²⁸ Gleaned from Officer Molina’s BWV at approximately 0128:46 hours.

²⁹ The knife was recovered subsequent to the OIS and determined to have an overall length of 13 inches, with an eight-inch blade.



Note: According to Officer Park, the knife was removed from the same area in Kolen's waistband as the shiny silver object she previously observed.

Officer Molina estimated that she was approximately one to three feet west of Kolen when she produced the knife.

According to Officer Molina, Kolen initially held the knife in a raised position, at ear level. A review of the BWV determined that Kolen never held the knife in a raised position.

After producing the knife, Kolen stopped momentarily, then proceeded to walk in the officers' direction. According to Officer Molina, Kolen walked toward her at a fast pace. As Kolen advanced toward the officers, she continued to hold the knife along her right side/hip area, with the blade facing in a northwesterly direction. According to Officer Molina, as Kolen walked toward them, she appeared to be jabbing the blade in their direction (west).

In an effort to create distance between themselves and Kolen, Officers Molina and Park began backing up in an easterly direction. Upon seeing Kolen armed with the knife, Officer Park feared for her life and the life of her partner, so she unholstered her pistol and held it in a two-hand, low-ready shooting position, with the muzzle pointed in Kolen's direction. As she did so, Officer Park was still holding her flashlight in her left hand with the light pointed toward the ground.

According to Officer Park, she could see Officer Molina in her right peripheral, was cognizant of her position and ensured that the muzzle of her pistol did not cover Officer Molina. Officer Park yelled, “Stop” and “Do not” to Kolen multiple times, but Kolen continued to advance towards officers while holding the knife. Officer Park intentionally dropped her flashlight onto the sidewalk and removed her handheld radio with her left hand.

As she did so, Officer Park held her pistol in her right hand, in a low-ready shooting position, with the muzzle pointed in Kolen’s direction.³⁰

OIG Note No. 3: *According to Officer Park, after she dropped her flashlight she did not activate the tactical flashlight attached to her pistol because there was sufficient ambient lighting.*³¹

Note: According to Officer Park, she told Kolen, “No, no, no” as Kolen approached with the knife. A review of the BWV determined that information was inaccurate.

Nearly simultaneously, Officer Molina stated, “Oh shit” and unholstered her pistol. As captured by BWV, Officer Molina held her pistol in a two-hand shooting position and pointed the muzzle in an easterly direction, toward Kolen. Officer Molina also ordered Kolen to stop multiple times, but Kolen did not comply with the commands. According to Officer Molina, Kolen shook her head back and forth, as if indicating she was not going to stop, and continued walking toward them at a fast pace. Officer Molina added, “And before we can go behind any of the parked cars or like a post, she started coming towards us. So at that point she was closing in real fast and we weren’t able to take any cover.”³²

According to Officer Molina, “I was walking backwards, so I couldn’t walk fast walking backwards, because I couldn’t see where I was going. So at that point, I was trying to move as quickly as I could to try to create distance with her, but she -- it felt like to me like she was power walking towards me. So at some point she had closed enough distance where I felt she was going to stab me or she was going to stab my partner.”³³

OIG Note No. 4: *Although Officer Molina perceived that Kolen was closing the distance between herself and the officers at this time, a review of her (Officer Molina’s) BWV did not reveal any apparent significant reduction in*

³⁰ At the time of the incident, Officer Park’s pistol had an attached Surefire Tactical Flashlight; however, she did not activate it.

³¹ Officer Park, Page 54, Lines 7-18.

³² Officer Molina’s statement, Page 58, Lines 17-20.

³³ Officer Molina’s statement, Page 71, Lines 9-16.

*the distance between Kolen and the officers as the officers continued to redeploy backwards.*³⁴

According to Officer Park, “...when we were redeploying, we got in between the white van and the chain link fence was to my left. When I saw the suspect, she hesitated for a minute, so I took out my radio to request back-up. And as I was requesting back-up, suspect (Kolen) then leaned forward -- took a step forward, so my partner shot.”³⁵ Officer Park added, “...with the knife -- the blade pointed towards my partner, and she’s just -- she took a -- she took, like, a step or two towards my partner and that’s when she shot.”³⁶

OIG Note No. 5: Officer Park indicated that she did not fire her weapon due to Officer Molina’s positioning in front of her. In reference to Officer Molina, Officer Park stated, “She was in my peripheral. So from what I was trained in the academy, we never shoot with anyone in our front peripheral vision.”³⁷

According to Officer Molina, “And I got scared, because I thought she was going to stab me or stab my partner and, like, kill one of us. So in an effort to try to like, you know, stop her from killing us, I got really scared and I shot.”³⁸ In defense of their lives, Officer Molina fired two rounds at Kolen in a westerly direction from an approximate distance of 12 feet. Kolen was struck by gunfire and fell onto the sidewalk, north of the white mini-van.³⁹ As Kolen fell, she dropped the knife, which landed on the sidewalk just north of her body.

Note: According to Officer Molina, she did not observe any pedestrians and/or vehicular traffic in Kolen’s background at the time of the OIS. However, she noted that there were parked vehicles in Kolen’s background.⁴⁰

An analysis of the BWV determined that from the time Kolen began walking toward the officers with the knife, to the time of the OIS, approximately six seconds elapsed. In addition, the analysis determined

³⁴ Officer Molina’s BWV, 09:28:51-09:28:58.

³⁵ Officer Park’s statement, Page 13, Lines 7-12.

³⁶ Officer Park’s statement, Page 62, Lines 11-14.

³⁷ Officer Park’s statement, Page 60, Lines 3-5.

³⁸ Officer Molina’s statement, Page 19, Lines 6-10.

³⁹ Kolen fell adjacent to the front passenger side quarter panel/fender of the mini-van.

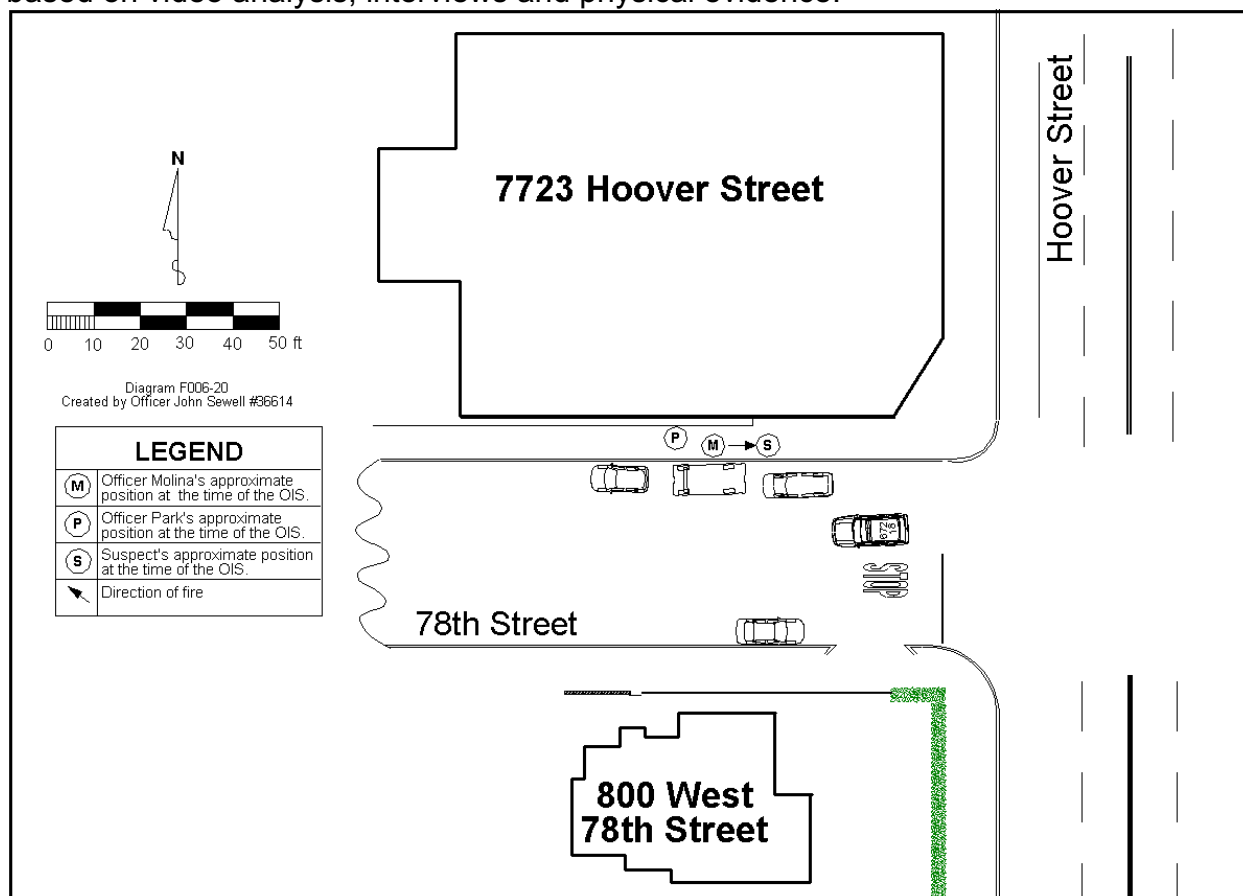
⁴⁰ As captured on BWV, vehicles were parked along the north curb of 78th Street, east of Hoover Street at the time of the OIS. No pedestrians and/or vehicular traffic were observed in Kolen’s background.

that Officer Molina backed up approximately 32-feet prior to firing her first round.

Officer Molina estimated that Kolen was within four to five feet of her when she fired her first round and three feet when she fired the second round.

According to Officer Molina, she assessed the situation after firing her first round and determined that Kolen was still armed with the knife and continued to walk in her direction. Therefore, she fired an additional round at Kolen. Officer Molina assessed after firing the second round and determined that Kolen had fallen to the ground and was no longer armed with the knife. Therefore, she did not fire any additional rounds. An analysis of the BWV determined that both shots were fired within approximately one second. The analysis also determined that the time between the first and second shot was approximately .43 of one second.⁴¹

The following diagram depicts the officers' approximate positions at the time of the OIS, based on video analysis, interviews and physical evidence.



⁴¹ Investigators utilized Adobe Premier Pro 2019 software, version 13.1.5, to conduct the analysis.

At approximately 0128:58 hours, nearly simultaneous to the OIS, Officer Park requested a back-up. Officer Park then upgraded the request to a help call and advised that shots had been fired. While making the aforementioned broadcasts, Officer Park stepped forward and positioned herself beside Officer Molina. She then holstered her radio and held her pistol in a two-hand, low-ready shooting position with her muzzle pointed toward Kolen.

Note: According to Officer Park, she did not consider broadcasting a help call, in lieu of the back-up request, because Kolen stopped her forward progression for a second. However, a review of the BWV determined that Kolen continuously walked toward the officers, without stopping.

As Officer Park broadcast the back-up request, 77th Division Frequency captured the sound of two gunshots in the background.

Communications Division was in the process of broadcasting the back-up request when Officer Park upgraded it to a help call, advising that shots had been fired. Although both broadcasts can be heard on 77th Division Frequency, CD and Officer Park were speaking simultaneously.

When CD broadcast the help call, they did not advise the responding units that shots had been fired.

Following the OIS, Officer Molina holstered her pistol and retrieved her handheld radio with her left hand. Officer Molina intended to broadcast a help call, then realized that Officer Park had already done so. Officer Molina was cognizant that the knife was in close proximity to Kolen, who was still not in custody; therefore, she unholstered her pistol again and held it in a two-hand shooting position, with the muzzle pointed toward Kolen.⁴²

Multiple units responded to the location, including Officers Sutliff and Cabrera and the following uniformed personnel:⁴³

Harbor Patrol Division

- Sergeant I Thomas Eiman, Serial No. 31559, Unit 12L40W3, on loan to 77th Street Patrol Division.

⁴² Officer Molina estimated that the knife was lying on the sidewalk approximately two inches away from Kolen.

⁴³ The order in which the units are listed does not reflect the order of their arrival at scene. Some of the officers unholstered their pistols during the incident. Unless the officers were involved in the OIS or were part of the contact/arrest team, the drawing and exhibiting of their firearms was not included as part of this report.

Southeast Patrol Division

- Police Officers II Isaiah Peltekian, Serial No. 43431 and Johnny Tellez, Serial No. 43437, Unit 12A15W3, on loan to 77th Street Patrol Division.
- Police Officer II David Torres, Serial No. 41483 and Police Officer I David Skotte, Serial No. 43709, Unit 12A3W2, on loan to 77th Street Patrol Division.⁴⁴

Southwest Patrol Division

- Police Officers II Jesse Sanchez, Serial No. 43189 and Danny Salcido, Serial No. 42866, Unit 12A69W3, on loan to 77th Street Patrol Division.
- Sergeant I Jasmin Gomez, Serial No. 39595, Unit 12L50W3 (Investigators' Note No. 1).

According to Officer Peltekian, as Officer Park broadcast the back-up request, he heard two gunshots and the sound of someone screaming in the background. This caused Officer Peltekian to believe that Officers Park and Molina were possibly being shot at and/or involved in an OIS. During their response, Officer Tellez asked Officer Peltekian what type of incident Officers Park and Molina were handling. Officer Peltekian pulled up the incident on their MDC and informed him it was an unknown trouble.

Note: Officer Peltekian did not advise Officer Tellez of the gunshots he heard and/or his suspicion that an OIS may have occurred.

Officer Peltekian was the only officer who reported hearing gunshots in the background during Officer Park's back-up request.

OIG Note No. 6: *A review of the 77th Street Area radio traffic at the time of Officer Park's back-up request revealed two identifiable sounds that seem to be consistent with gunfire.*⁴⁵

Approximately 30 seconds into their Code-Three response, Officer Tellez advised his partner to put on his seatbelt. At that time, Officers Tellez and Peltekian both donned their seatbelts.⁴⁶

While waiting for additional units to arrive at scene, Officers Molina and Park communicated with one another and verified that neither was injured. According to

⁴⁴ Officer Skotte was a Phase III probationary Officer at the time of this incident.

⁴⁵ 77th Street Area radio traffic at approximately 0128:58 hours.

⁴⁶ Gleaned from Officer Tellez' BWV at approximately 0130:02 hours.

Officer Park, Kolen was moving her right arm, which was in close proximity to the knife. Officer Park stated to Kolen, *"Do not reach for the...do not reach for the knife!"*⁴⁷

At approximately 0129:44 hours, Officers Sutliff and Cabrera arrived at scene. They drove west on 78th Street and parked their vehicle in the street, facing west, adjacent to the cargo van. Upon their arrival, Officer Sutliff broadcast that they were Code Six and both officers exited the vehicle.

Note: According to Officers Sutliff and Cabrera, they heard the back-up request; however, they did not hear the subsequent help call indicating that shots had been fired. Therefore, when they arrived at scene, they were unaware that an OIS had occurred.

According to Officer Sutliff, they were unable to see Officers Park and Molina due to vehicles parked along the north curb. Officers Sutliff and Cabrera ran toward the area they last observed Officers Park and Medina; between the cargo van and mini-van. Officer Sutliff ran between the two vans, followed by Officer Cabrera. According to Officer Sutliff, as he made his way north, he observed Kolen lying on the sidewalk. In addition, he observed a knife lying on the sidewalk beside Kolen and Officers Park and Molina with their pistols drawn.

Officer Molina directed Officer Sutliff to, *"Hold on"* and held up her left hand, signaling them to stop. As she did so, Officer Molina held her pistol in her right hand, maintaining a low-ready position. Officer Sutliff quickly stopped, just south of the north curb. Officer Sutliff placed his right hand on Officer Cabrera's chest area to stop his forward momentum and advised him to back up.⁴⁸ According to Officer Cabrera, Officer Sutliff yelled, *"Partner, knife."* Officers Sutliff and Cabrera backed up in a southerly direction, to avoid crossfire and contaminating the crime scene.⁴⁹

Note: The officers' BWV did not capture Officer Sutliff inform his partner about the knife.

Officer Park advised Officers Sutliff and Cabrera that Kolen was armed with a knife. Believing the situation could rise to the level where deadly force was necessary, Officer Sutliff unholstered his pistol. As captured on his BWV, he held it in his right hand in a low ready position.⁵⁰ According to Officer Cabrera, he also observed the knife lying on

⁴⁷ Gleaned from Officer Park's BWV at approximately 0129:41 hours.

⁴⁸ When Officer Sutliff placed his hand on Officer Cabrera's chest, it inadvertently caused Officer Cabrera's BWV camera to dislodge from his chest and fall onto the ground. Officer Sutliff retrieved Officer Cabrera's camera from the ground and placed it on the hood of their police vehicle.

⁴⁹ Officers Sutliff and Cabrera did not step onto the sidewalk and therefore, were not covered by Officers Molina and Park's pistols.

⁵⁰ Gleaned from Officer Sutliff's BWV at approximately 0129:55 hours.

the sidewalk beside Kolen; therefore, he decided to retrieve a beanbag shotgun from their vehicle.

According to Officer Molina, in order to avoid additional crossfire situations, she requested CD advise the responding units that they were facing east on 78th Street.

Officers Sutliff and Cabrera negotiated their way around the front of the cargo van, joining Officers Molina and Park on the north sidewalk. Officer Sutliff communicated with Officers Molina and Park regarding the knife at scene and asked if there were any other persons involved. Officers Molina and Park advised Officer Sutliff that there were no additional parties involved. Officer Sutliff then verified that Officers Molina and Park were uninjured.

Note: Officer Sutliff believed he unholstered his pistol as he walked around the cargo van and held it in a two-hand, low-ready shooting position. A review of his BWV determined that Officer Sutliff unholstered his pistol while standing between the two vans and held it in his right hand.

Sergeant Eiman heard the help call and advised CD that he would respond to the location. Although he heard the help call, Sergeant Eiman was unaware that an OIS had occurred. Due to his close proximity to the location, Sergeant Eiman did not feel it was necessary to respond Code Three. He arrived at scene at approximately 0130:28 hours.⁵¹

Note: A review of Sergeant Eiman's BWV determined that he donned his seatbelt approximately one minute into his response. According to Sergeant Eiman, based on the dynamics of the situation and fact that it was a help call, he inadvertently forgot to don his seatbelt. Once he realized it was not on, Sergeant Eiman donned his seatbelt.

Upon his arrival, Sergeant Eiman observed police vehicles facing west on 78th Street; however, he did not see or hear any officers. According to Sergeant Eiman, as he exited the vehicle, he noted that the scene was very quiet.⁵² He observed Officer Park's flashlight lying on the sidewalk and was aware that there was an alley just west of the location. Sergeant Eiman believed the officers may be in the alley; therefore, he walked between the cargo van and the mini-van and onto the north sidewalk of 78th Street.

Once Sergeant Eiman stepped onto the sidewalk, he realized that he was between the officers and Kolen. In response to Sergeant Eiman's actions, Officers Park and Molina

⁵¹ According to Sergeant Eiman, just prior to the help call, he had just cleared from a citizen contact near the intersection of San Pedro Street and Manchester Avenue. This location was approximately 1.6 miles from the OIS.

⁵² A review of the BWV determined that Officers Park, Molina, Sutliff and Cabrera were not actively communicating with one another when Sergeant Eiman approached the location on foot.

quickly lowered their pistols to avoid covering Sergeant Eiman with their muzzles. Sergeant Eiman walked west on the sidewalk and joined Officers Molina, Park, Sutliff and Cabrera. As captured by BWV, Sergeant Eiman asked if any force was used and Officers Cabrera and Sutliff advised him that they did not know. Officers Molina and Park did not respond to his inquiry.⁵³

Note: Officer Molina believed Sergeant Gomez was the first supervisor to arrive at scene.

According to Sergeant Eiman, it was apparent that Kolen was injured and required medical attention; however, he was uncertain as to the cause of the injuries. Sergeant Eiman was unsure if her injuries were sustained during a use of force or if Kolen was the victim of a crime. Nonetheless, Sergeant Eiman wanted to approach Kolen in a timely manner, so medical treatment could be provided to her.

Note: Other than his initial inquiry, Sergeant Eiman did not ask Officers Molina or Park what transpired, nor did he attempt to ascertain the cause of her injuries.

According to Sergeant Eiman, *"I believe that my attempting to ascertain the cause of her injuries was covered when I asked the officers if there was a use of force or what, you know, what had occurred. And -- and they responded to me that they didn't know."*⁵⁴

At approximately 0131:05 hours, Officers Peltekian and Tellez arrived at scene. Believing Officers Molina and Park were possibly being shot at, Officer Peltekian unholstered his pistol upon exiting his vehicle. He held his pistol in his right hand, alongside his right leg, with the muzzle pointed toward the ground as he ran west on 78th Street. Officers Peltekian and Tellez then joined the aforementioned officers on the north sidewalk. Officer Peltekian observed Officers Molina and Park with their pistols drawn and Officer Cabrera holding a beanbag shotgun, so he holstered his pistol.

According to Officer Tellez, he observed Kolen lying on the ground and noted that she was not in custody. He also observed a large knife lying on the ground beside her. Believing the situation could escalate to the point where deadly force was necessary, Officer Tellez unholstered his pistol and held it in his right hand.

Meanwhile, Officers Sanchez, Salcido, Torres and Skotte and Sergeant Gomez arrived at scene. Officer Molina noted that several units responded from the east, creating potential crossfire situations. Therefore, she made an additional broadcast to CD,

⁵³ Sergeant Eiman's inquiry was captured on both Officer Molina and Park's BWVs at approximately 0130:57 hours.

⁵⁴ Sergeant Eiman's statement, 2nd interview, Page 7, Lines 6-10.

reminding the responding units that they were facing east on 78th Street. She further advised that Kolen was not in custody.

Shortly thereafter, Sergeant Eiman broadcast to CD, advising there were sufficient units at the location and directed any additional units to respond east on 78th Street.

According to Officer Skotte, while they were en route to the location, he heard Officer Park broadcast that shots were fired and concluded that an OIS occurred. Upon his arrival, Officer Skotte observed Kolen and noted there was a knife in close proximity to her body. Based on the aforementioned circumstances, Officer Skotte believed he could face a deadly threat at the location. In order to protect himself and the other officers, Officer Skotte unholstered his pistol and held it in his right hand with the muzzle pointed toward the ground. Shortly thereafter, Officer Skotte noted that multiple officers had their pistols drawn; therefore, he holstered his pistol.

Upon her arrival, Sergeant Gomez parked her vehicle on the northwest corner of Hoover Street and 78th Street. Sergeant Gomez immediately recognized that she was in a crossfire situation; therefore, quickly exited her vehicle and redeployed south on foot. She then ran west on 78th Street and joined the officers on the north sidewalk. Upon arrival, Sergeant Gomez asked Sergeant Eiman if they needed a shield and he replied, “no.”

Note: Sergeant Gomez did not advise CD that she was responding to the location, nor did she go Code Six upon arrival. According to Sergeant Gomez, she wanted to keep the frequency clear due the on-going tactical situation.

According to Officer Peltekian, he observed a knife in close proximity to Kolen and formed the opinion that an OIS occurred. Officer Peltekian, concerned about crime scene preservation, looked down to ensure that he was not stepping on potential evidence. He then observed two cartridge cases lying on the ground; one on the sidewalk and the second in the street/gutter area.⁵⁵

At approximately 0131:43 hours, Sergeant Eiman began forming an arrest/contact team and BWV captured him asking if an officer had a TASER. Officer Peltekian acknowledged that he had a TASER. Sergeant Eiman then asked who his arrest team would be, and Officer Tellez stated that he would go “*hands on*.” At this time, Sergeants Eiman and Gomez were both unaware that an OIS occurred. As Sergeant Eiman devised a tactical plan to approach Kolen, he directed the contact team to secure the

⁵⁵ According to Officer Peltekian, the cartridge casings were nickel plated, which caused him to believe they were fired from an officer's pistol.

knife. Officer Peltekian immediately advised Sergeant Eiman that the knife should remain in place, since an OIS occurred.⁵⁶

Note: According to Officer Tellez, Sergeant Eiman assigned Officers Molina and Park as lethal. A review of the BWV determined that Officers Molina and Park had their pistols drawn when Sergeant Eiman arrived at scene. Sergeant Eiman did not verbally assign roles to Officers Molina and Park.

Officer Peltekian directed the officers and supervisors' attention to the cartridge cases that were lying on the ground. Sergeant Gomez, aware that the knife was in close proximity to Kolen, decided to include a shield in their tactical plan. She directed the contact team to stand by while she retrieved a shield from her vehicle.

At approximately 0132:29 hours, Officer Tellez requested a Rescue Ambulance (RA) for Kolen.

According to Officer Peltekian, Kolen was not moving and appeared to be unconscious. He also noted that Kolen's right hand was visible and appeared to be empty. According to Officer Peltekian, he visualized their approach in his mind and developed a tactical plan about how to approach and handcuff Kolen; which he verbally communicated with the contact team.

Officer Peltekian reiterated the location of the cartridge cases, to prevent officers from stepping on them. He then advised the contact team that upon their approach, he would step over the knife, grab Kolen's right hand and take her into custody. Officer Peltekian holstered his TASER and directed Officer Sutliff to unholster his own TASER, which Officer Sutliff did after holstering his pistol.⁵⁷ Shortly thereafter, Sergeant Gomez returned with the shield and relinquished it to Officer Tellez.⁵⁸ Officer Tellez held the shield in his left hand and his pistol in his right hand.

The contact team was comprised of the following officers: Officer Tellez carried the shield and his pistol, Officers Molina and Park assumed the roles of lethal, Officers Sutliff (TASER) and Cabrera (Beanbag Shotgun) were less-lethal, and Officers Peltekian and Torres were assigned as the arrest team.

⁵⁶ According to Officer Peltekian, he was cognizant that the incident would be investigated by Force Investigation Division (FID).

⁵⁷ As Sergeant Eiman was forming the contact team, Officer Peltekian initially assumed the role of less-lethal (TASER). Officer Peltekian ultimately became part of the arrest team and delegated the role of less-lethal to Officer Sutliff.

⁵⁸ According to Officer Tellez, he was qualified to carry a shield at the time of this incident. Officer Tellez informed investigators that he received shield training in the academy, as well as divisional training at Southwest Patrol Division.

Note: According to Sergeant Eiman, he was unaware that Officers Molina and Park were involved in an OIS while he was formulating the arrest team.

Officer Peltekian was aware that Kolen was bleeding; therefore, donned protective gloves.⁵⁹ Since Kolen appeared to be unconscious, Officer Peltekian believed it was unnecessary to move the knife prior to taking her into custody. Therefore, he reiterated that the knife was not to be moved or touched. Just prior to making their approach, Sergeant Eiman ensured that an RA had been requested and that there were no additional/outstanding suspects.⁶⁰

At approximately 0133:36 hours, the contact team approached Kolen.⁶¹ Officer Peltekian stepped over the knife with his left leg and straddled it; his left foot was east of the knife and his right foot was west of it. Officer Peltekian leaned toward Kolen and grabbed her right wrist using his right hand and her right forearm/elbow area with his left hand. He then proceeded to lift her right arm upward and off of the sidewalk. While maintaining his grip on Kolen's right wrist, Officer Peltekian placed his left hand on her right shoulder area and rolled her onto her stomach, while simultaneously pulling her right arm behind her back. Officer Peltekian then briefly placed his right knee on Kolen's buttocks area.⁶²

Kolen's left arm was tucked underneath her body. While maintaining his grip on Kolen's right wrist, Officer Peltekian reached under Kolen's torso, grabbed her left arm, and placed it behind her back.

Officer Peltekian held Kolen's hands behind her back while Officer Torres applied the handcuffs. He cuffed Kolen's left wrist first, then her right wrist. As Kolen was being taken into custody, the right side of her body was partially lying in the street. Once the handcuffing process was complete, Officer Peltekian pulled Kolen back onto the sidewalk and placed her into a prone position.

OIG Note No. 7: As Officer Peltekian moved Kolen away from the curb and the fender of a nearby parked vehicle, he momentarily brought her

⁵⁹ The Los Angeles Police Department, Bloodborne Pathogen Exposure Protocol Field Notebook Divider, dated November 2012, described bloodborne pathogens as germs transmitted by exposure to blood or other potentially infectious body fluids. The document states the following: *Latex gloves shall be worn when contact with blood or other potentially infectious body fluids is anticipated and shall be changed after each contact.*

⁶⁰ Gleaned from Sergeant Eiman's BWV at approximately 0133:07 hours.

⁶¹ Since Officer Salcido was not part of the contact team, he holstered his pistol once they made their approach.

⁶² A review of Officer Molina's BWV determined that Officer Peltekian's knee was on Kolen's buttocks area for approximately three seconds.

*closer to where the knife was located. Then, as Kolen laid in a prone position, officers at the scene discussed moving her again due to her proximity to the knife and the potential for contamination of the crime scene by LAFD personnel when they arrived; however, they decided against it. The knife was eventually moved, and Kolen was placed on her left side before ultimately being turned onto her back.*⁶³

Officer Peltekian then conducted a search of Kolen's front and rear waistband and rear pockets, to ensure she didn't have additional weapons. No additional weapons and/or contraband were recovered from Kolen's person.

Note: A review of BWV revealed the contact team did not give any commands to Kolen prior to making their approach.

Although Officer Torres was aware that an OIS occurred, he did not don protective gloves prior to the handcuffing Kolen. According to Officer Torres, his protective gloves were depleted during his regular shift and he did not have any in his possession. Officer Skotte noted that Officer Torres was not wearing gloves during the handcuffing process; therefore, provided him with a hand sanitizing wipe.

According to Officer Peltekian, after handcuffing Kolen, he placed her onto her left side in a recovery position. A review of the BWV determined Officer Peltekian repositioned Kolen into a prone position on the sidewalk after handcuffing her. She remained in this position for approximately 50 seconds, prior to Officer Peltekian rolling her onto her left side.

According to Officer Salcido, he helped move Kolen out of the street; however, this was not captured on BWV.

Once Kolen was in custody, Officers Molina, Park and Tellez holstered their pistols and Officer Sutliff holstered his TASER.

At approximately 0134:04 hours, Sergeant Gomez broadcast a Code Four, advised that Kolen was in custody and declared herself the Incident Commander (IC). Sergeant Gomez then identified and separated Officers Molina and Park.

Note: During her broadcast, Sergeant Gomez erroneously identified her unit designation as 18L50.

According to Officer Torres, although Kolen had already been taken into custody, the knife was still in close proximity to her body. He was concerned Kolen could become

⁶³ Officer Peltekian's BWV, 0934:17-0935:15 hours.

combative once she regained consciousness and decided to move the knife.⁶⁴ According to Officer Torres, he placed his left hand on the handle of the knife and moved it away from Kolen.

He then placed his right foot on top of the knife to secure it.

Note: According to Officer Peltekian, as he rolled Kolen onto her stomach, he heard the sound of the knife scaping against the concrete. Officer Peltekian looked down, between his feet/legs and observed an unknown officer's boot standing on the knife.⁶⁵

At approximately 0134:47 hours, Sergeant Eiman asked if Kolen was breathing. Officer Tellez informed him that Kolen was not breathing. Sergeant Eiman then directed the officers to begin cardiopulmonary resuscitation (CPR).

OIG Note No. 8: *Kolen was positioned face-down at this time. As described by Officer Tellez, "When we first approached, I had reason to believe that the suspect was not conscious and not breathing."⁶⁶ Officer Tellez did not indicate how he made the determination that Kolen was not breathing, and the available evidence did not indicate that he checked her vital signs. Also during this time, Officer Torres verbally indicated that Kolen did not have an identifiable pulse.⁶⁷ Officer Torres did not indicate how he made this determination, and the available evidence did not indicate that anyone aside from Officer Peltekian checked Kolen for a pulse.*

Officer Skotte advised the officers that he was going to get his CPR mask, then ran back to his police vehicle and retrieved it.

Officer Sanchez directed Officer Peltekian to place Kolen onto her left side; which he did. Officer Peltekian checked for a pulse, by placing his right middle finger on the right side of Kolen's neck.

According to Officer Peltekian, he felt a weak pulse and knew Kolen was still alive.⁶⁸

⁶⁴ Officer Torres estimated the knife was within one foot of Kolen when he decided to move it.

⁶⁵ At approximately 0134:07 hours, Officer Torres' BWV captured the sound of a metallic object scraping on the sidewalk.

⁶⁶ Officer Tellez, Page 22, Lines 3-5.

⁶⁷ Officer Torres's BWV, 0934:39 hours.

⁶⁸ According to Officer Peltekian, he received First Aid and CPR Training while attending the Los Angeles Police Academy. In addition, prior to being hired by the Los Angeles Police Department (LAPD), Officer

OIG Note No. 9: Department First Aid and CPR training states, in part, “If you do not definitely feel a pulse, start CPR.” No specific direction is given as to whether CPR should be initiated if a “weak pulse” has been detected.⁶⁹

Officer Peltekian advised the officers at scene that Kolen had a light pulse, but he was unsure if she was breathing.

Meanwhile, Officer Skotte returned with the CPR mask.

According to Officer Torres, the knife was still in close proximity to Kolen. If the officers were to reposition Kolen onto her back, she would end up lying on top of the knife. Therefore, upon direction of Sergeant Eiman, Officer Torres moved the knife in a northerly direction with his foot.⁷⁰

At approximately 0135:42 hours, Officer Peltekian rolled Kolen onto her back, into a supine position and administered chest compressions.

Officer Sanchez broadcast to CD, advising that officers were administering CPR.

Officer Salcido donned protective gloves and advised Officer Peltekian that he was prepared to relieve him in the event that he became fatigued.

According to Officer Peltekian, Kolen started to move and attempted to speak. Therefore, he stopped administering chest compressions. Officers Peltekian and Salcido then placed Kolen onto her left side, in a recovery position. While waiting for the RA to respond, the officers continued to communicate with Kolen. The officers referred to Kolen by her first name, advised her that the ambulance was en route and encouraged her to stay on her side and keep breathing.

Note: Officer Peltekian estimated that he performed chest compressions for approximately five minutes. An analysis of the BWV determined that Officer Peltekian administered chest compressions for approximately one minute and 43 seconds.

Although the CPR mask was available, officers did not attempt to deliver rescue breaths to Kolen.

Peltekian was a member of Explorer Programs for both Simi Valley Police Department and the San Diego Sheriff's Department. During both Explorer Programs, he received training in both First Aid and CPR.

⁶⁹ First Aid/CPR, POST Learning Domain, Chapter 3, Pages 3-6.

⁷⁰ As Officer Torres moved the knife, his BWV captured the metallic sound of the knife scraping against the sidewalk at approximately 0135:13 hours.

As Officer Peltekian was administering CPR to Kolen, Officer Torres asked Sergeant Eiman if he could recover the knife. Sergeant Eiman directed him to leave the knife in its current position.⁷¹

At approximately 0138:24 hours, Officer Sanchez broadcast to CD, requesting an estimated time of arrival (ETA) for the RA. According to CD, an ETA was not provided; however, the RA was responding Code Three. Officer Sanchez requested CD inform the fire department personnel that CPR was administered and Kolen was breathing. At approximately 0141:58 hours, Los Angeles Fire Department (LAFD), RA No. 257, staffed by Firefighter/Paramedics (FF/PM) Darrell Little and Adam Cunningham arrived at scene and rendered aid to Kolen.⁷² Officer Peltekian assisted the LAFD personnel reposition Kolen into a seated position, by placing his right hand on her right shoulder area. Officers Peltekian and Salcido then assisted the LAFD personnel place Kolen onto the gurney.

Note: According to Firefighter/Paramedic Little, he was partnered with Firefighter/Paramedic Leo Poleschek on the day of this incident. The investigation determined that he was working with FF/PM Cunningham.

According to Officer Torres, once Kolen was placed onto the gurney, he removed his foot from the knife.⁷³ As captured on BWV, Officer Torres reached toward the knife with his right hand. Officer Tellez told Officer Torres, *"Don't pick it up, don't pick it up."* Officer Torres replied, *"I'll put it back where it was brother. Leave it here?"*⁷⁴ Officer Tellez then advised Officer Torres to leave the knife in its current position; which he did.

Note: According to Officer Torres, his intentions were to place the knife back into its original position, where he first observed it lying beside Kolen. Officer Torres wanted investigators to have a better depiction of where the knife landed subsequent to the OIS.

Officer Salcido uncuffed Kolen's left wrist, then secured her right arm to the right rail of the gurney. Officer Peltekian held Kolen's left wrist while Officer Tellez used a second pair of handcuffs to secure Kolen's left arm to the left rail.

The LAFD personnel asked the officers if they located any identification for Kolen. Officer Sanchez directed them to Kolen's wallet that was lying on the sidewalk. As captured by Officer Peltekian's BWV, FF/PM Little picked up the wallet and handed it to

⁷¹ Gleaned from Officer Torres' BWV at approximately 0137:15 hours.

⁷² As captured on Officer Tellez' BWV, LAFD personnel made contact with Kolen at approximately 0143:16 hours.

⁷³ At approximately 0144:07 hours, Officer Torres' BWV captured a metallic scraping sound.

⁷⁴ Gleaned from Officer Torres' BWV at approximately 0144:12 hours.

Officer Sanchez. Officer Sanchez asked Kolen if her name was Dorothy, but she was unresponsive. Officer Sanchez then placed the wallet back onto the sidewalk.

Prior to the LAFD transporting Kolen to the hospital, Officer Salcido picked up Kolen's wallet and noted that she was in possession of two forms of identification. Officer Salcido removed Kolen's California Driver's License from the wallet and handed it to the LAFD personnel. Officer Salcido left Kolen's California Identification Card inside of her wallet and placed it back onto the sidewalk.

At approximately 0147:44 hours, Kolen was transported to Harbor-UCLA Medical Center.⁷⁵ Officer Peltekian rode inside the RA with Kolen. Officers Sanchez and Salcido were unaware that Officers Peltekian and Tellez were escorting Kolen to the hospital. Therefore, they drove behind the RA, followed by Officer Tellez.

At approximately 0225 hours, the Department Operations Center (DOC) was notified of the Categorical Use of Force (Addendum No. 1).

Note: The DOC notification was made approximately 56 minutes after the OIS (Investigators' Note No. 2).

Force Investigation Division (FID), Detective III Robert Solorza, Serial No. 27733, was the first representative from FID to arrive at scene at approximately 0403 hours.

Force Investigation Division, Detective III Brandy Arzate, Serial No. 34394, reviewed the documents regarding the separation, monitoring and the admonitions not to discuss the incident prior to being interviewed by FID investigators. Upon review, some errors/inconsistencies were identified in the documentation (Investigators' Note No. 3 and Addendum No. 2).

Scene Description

The incident occurred on the north sidewalk of 78th Street, west of Hoover Street, in the City of Los Angeles. Seventy-Eighth Street was an east/west street and had a one lane of traffic for each direction, with parking along the north and south curbs. The surrounding area was primarily residential and consisted of a combination of single-family dwellings and multi-unit apartment buildings.

The incident occurred during the hours of darkness, at approximately 0129 hours. Artificial lighting was provided by street-lights located on the north sidewalk of 78th Street, west of Hoover Street, and on the northeast and southwest corners of the intersection. Additional lighting was provided by a light fixture affixed to the south wall of 7723 South Hoover Street. The environmental conditions were dry with clear skies.

⁷⁵ The transportation time was gleaned from Officer Salcido's BWV.

Canvass for Witnesses

On February 21, 2020, 77th Street Patrol Division Officers and FID personnel conducted a canvass of the area for witnesses to the incident. Unless otherwise noted, the statements of all witnesses were recorded and transcribed and are contained in this report.

Suspect Information

Dorothy Kolen was a female Black with black hair and brown eyes. At the time of the incident, she was five feet, five inches tall, weighed approximately 220 pounds and was 28 years old. She had a date of birth of March 14, 1991. Kolen was identified by Criminal Information Index (CII) No. A34428501 and by California Driver's License No. E3194991. Kolen had no criminal history; however, had three prior contacts with Los Angeles Police Department's (LAPD), Mental Evaluation Unit (MEU) in June, October and December of 2019 (Addendum No. 3 and Investigators' Note No. 4).

In relation to this incident, LAPD Investigative Reports were completed for the crime of Assault with a Deadly Weapon on a Police Officer against Officers Park and Molina, both naming Kolen as the suspect (Addendum No. 4).

Force Investigation Division, Criminal Apprehension Team (CAT), Detective II Joseph Kirby, Serial No. 36857, completed an Arrest Report for Kolen, booking her under California Penal Code (PC) Section 245 (C) – Assault with a Deadly Weapon on a Police Officers. Due to Kolen's injuries and the medical treatment being provided to her, investigators were unable to interview her on the night of the incident.⁷⁶ She was absentee booked at 77th Jail (Addendum No. 5).

On February 24, 2020, Detective Kirby presented this case to the Los Angeles County District Attorney's Office for filing consideration. Deputy District Attorney (DDA) Cathy Choi filed one felony count against Kolen for Assault with a Deadly Weapon on a Police Officer, 245(C) PC, for the crime against Officer Molina. DDA Choi rejected the crime against Officer Park.

A LAPD Follow-Up Investigation Report was completed with a disposition of Cleared by Arrest (Addendum No. 6).

The preliminary hearing setting date for this case is currently scheduled for October 30, 2020.

Following this incident, FID Detective II Paul Bowser, Serial No. 35842, contacted CD and entered Kolen's address into special locations.

⁷⁶ Kolen subsequently retained an attorney and refused to be interviewed by investigators.

Injuries

At approximately 0135:12 hours, LAFD RA No. 257 received an alarm to respond to the intersection of Hoover Street and 78th Street. According to FF/PMs Cunningham and Little, due to their close proximity to the location, they staged at their fire station until the scene was safe for them to enter.⁷⁷

They arrived at scene at approximately 0141:58 hours and rendered aid to Kolen.⁷⁸ Kolen was transported to Harbor UCLA Medical Center where she was treated by Doctor Kristen Combs for multiple gunshot wounds.

On April 22, 2020, Detective Kirby authored a search warrant for Kolen's medical records. The search warrant was signed by the Honorable Judge Robert Vanderet, of the Superior Court of California, County of Los Angeles, Central District, Department No. 2.

On April 29, 2020, the search warrant was served at Harbor UCLA Medical Center and Kolen's medical records were obtained. The search warrant was returned on April 29, 2020 and assigned Search Warrant No. CC2020 - 86026 (Addenda Nos. 7 and 8).

Upon reviewing Kolen's medical records, investigators determined that Kolen sustained two gunshot wounds; one to her left middle abdomen area and one to her right anterior thigh. The projectile that entered Kolen's right anterior thigh, traveled through her thigh, then entered her left medial thigh and exited through her left buttocks area.

Kolen also sustained a gunshot wound to her right wrist; however, it was unable to be determined which projectile caused the injury.

In addition, the medical records indicated that Kolen suffered from Schizophrenia and Depression and was off of her medication at the time of this incident. During her hospital stay, the medical staff contacted the Psychiatric Department due to Kolen hearing voices.⁷⁹ The medical staff recommended that Kolen be linked with outpatient mental health services prior to being discharged from the hospital.

Evidence

On February 21, 2020, at approximately 0935 hours, Forensic Science Division (FSD), Firearms Analysis Unit (FAU), Criminalist I Tracy Ng, Serial No. N4952 and Criminalists II Mathew Saucedo, Serial No. N4688, John Flores, Serial No. N6278, Annette

⁷⁷ LAFD Fire Station 57 was located at 7800 Vermont Avenue in Los Angeles. The distance between Fire Station 57 and the intersection of Hoover Street and 78th Street was approximately .3 miles.

⁷⁸ The RA's arrival time was gleaned from BWV.

⁷⁹ Gleaned from Kolen's medical records, pages 129 and 131.

Woiwode, Serial No. N4427, and Supervising Criminalist Jessica Moody, Serial No. N4576, responded to the scene. They conducted an examination of the OIS scene for evidence including but not limited to ballistic impacts, trajectories, projectiles and forensic evidence.

As a result of their examination, multiple items of evidence were recovered and booked under DR No. 2012-07722. Included in those items were a kitchen knife, two discharged 9-millimeter cartridge cases, one beanbag shotgun round (shotshell), Kolen's cellular phone and a wallet.⁸⁰

There was a total of 43 items of evidence booked in conjunction with this incident (Addenda Nos. 9 and 10).

On March 5, 2020, Detective Kirby authored a search warrant to obtain the data from Kolen's cellular phone as well as subscriber information T-Mobile Communications. The search warrant was signed by the Honorable Judge Norman J. Shapiro, of the Superior Court of California, County of Los Angeles, Central District, Department No. 116.

On March 6, 2020, the search warrant was served and digital cell phone records were obtained. The search warrant was returned on April 14, 2020 and assigned Search Warrant No. CC2020-85819. The records determined that Kolen was the subscriber for cellular phone number (424) 307-7608 (Addendum No. 11).

On March 25, 2020, FSD, Fingerprint Specialist III Edgar Berrios, Serial No. N1917, examined and analyzed Kolen's knife. No latent prints were developed (Addendum No. 12).

On March 25, 2020, Detective Bowser completed a Request for Serology/Deoxyribonucleic Acid (DNA) Analysis Report, Form 12.56.00. Detective Bowser requested that Kolen's knife be swabbed for potential DNA evidence. It was further requested that the swab(s) collected from the knife be compared to Kolen's buccal swab.

The laboratory report was finalized on May 14, 2020. Criminalist II Kari Mar, Serial No. N4622, examined Kolen's knife and swabbed the handle for potential DNA evidence. According to Criminalist Mar, due to the complexity of the DNA data obtained from the knife, the results were unsuitable for interpretation (Addendum No. 13).

⁸⁰ According to Officer Cabrera, following the incident, one Super-Sock round was missing from the side saddle attached to the bean bag shotgun he was issued. He believed that the Super-Sock round must have dislodged from the side saddle while he downloaded the bean bag shotgun or at some point during the incident.

Clothing Analysis

On June 7, 2020, FSD, Criminalist I Trisha Ariyasu, Serial No. N4729, conducted a visual examination and chemical processing of Kolen's clothing for potential bullet related defects. A total of two defects were identified during the examination of Kolen's pants (Item No. 36).

Defect-A was located on the front right thigh area and Defect-B was located on the back left buttocks area. Criminalist Ariyasu compared the defects with the gunshot wounds documented on Kolen's medical report. As a result, Criminalist Ariyasu concluded that Defect-A was associated with the gunshot wound to Kolen's right anterior thigh and Defect-B was associated with the gunshot wound on the left buttocks.

In addition, Criminalist Ariyasu concluded that the gunshot wounds to Kolen's right anterior thigh, right medial thigh, left medial thigh, and left buttocks were consistent with being caused by the same projectile (Addendum No. 14).

Note: The LAFD personnel cut Kolen's clothing while providing medical treatment. Kolen's pants, shoes, bra and one sock were recovered and booked as evidence. Investigators were unable to determine the whereabouts of Kolen's sweatshirt; therefore, it was not recovered as evidence.

Weapons



Dorothy Kolen was armed with a large knife at the time of the incident. The knife had an overall length of 13-inches, with an 8-inch blade.

The knife was recovered from the north sidewalk of 78th Street, south of 7723 South Hoover Street.

Officer Molina was armed with a Department-approved 9-milimeter Smith and Wesson, Model M&P semiautomatic pistol. The pistol was carried in a Department-approved triple retention duty holster. According to Officer Molina, at the time of the OIS, her pistol was loaded to capacity with 18 rounds of Department-approved ammunition. Seventeen rounds were in the magazine and one round was in the chamber.

On February 21, 2020, at approximately 0835 hours, FID, Detective II Jennifer Kim, Serial No. 36639, conducted a post-incident examination of Officer Molina's pistol. Detective Kim determined that the pistol was loaded with one round in the chamber and 15 rounds in the magazine with Department approved, Speer LE Gold Dot G2, 9-millimeter ammunition.

Detective Kim also inspected two additional magazines that were carried in Officer Molina's magazine pouch. Both magazines were loaded to capacity, with 17 rounds of Department approved, Speer LE Gold Dot G2, 9-millimeter ammunition. The results of the magazine count were consistent with Officer Molina firing two rounds during the OIS.

On February 24, 2020, Criminalist Woiwode examined and test-fired Officer Molina's pistol. The pistol's measured trigger pull was within Department specifications (Addendum No. 15).

Detective Bowser verified that Officer Molina's 9-millimeter Smith and Wesson M&P pistol was entered into the Firearm Inventory Tracking System (FITS) on May 15, 2017.

Firearms Analysis

On February 21, 2020, Criminalists Ng, Saucedo, Flores, Woiwode and Moody performed a bullet path analysis examination of the crime scene pursuant to the OIS. No impacts were observed.

Two expended cartridge casings were recovered from the scene, consistent with Officer Molina firing two rounds.

Visual Documentation

Digital In-Car Video System (DICVS)

Multiple police vehicles equipped with DICVS responded to this incident, resulting in 25 videos. The DICVS associated with the officers mentioned in this administrative summary were reviewed in their entirety by FID investigators. None of the videos captured the OIS or had significant evidentiary value (Investigators' Note No. 5).

Body Worn Video (BWV)

There were 27 police officers who activated their BWV at some point during this incident. The videos of the 12 officers mentioned in this administrative summary were reviewed in their entirety by FID investigators.

Those BWVs have been tagged in Evidence.com under FID Case No. F006-20. The following is a synopsis of the BWVs that had significant evidentiary value:

- Officers Park and Molina's BWV captured the OIS as well the apprehension of Kolen.
- Officers Sutliff, Cabrera, Peltekian, Tellez, Torres, Skotte, Salcido and Sanchez, and Sergeants Eiman and Gomez had BWV that captured portions of Kolen's apprehension.

- Officer Peltekian's BWV captured him administering CPR to Kolen (Investigators' Note No. 6).

The BWVs of the remaining 15 officers did not capture the OIS or have significant evidentiary value.

Social Media

Personnel assigned to the FID's Cyber Unit monitored social media sites from the date of the incident until the submission of this investigation. No additional evidence, information or witnesses were identified via social media.

Other Department Video

None.

Outside Video

None

Photographs

Technical Investigation Division (TID), Photographer III Gregory Baker, Serial No. N5831, responded to the scene. Photographs of the OIS scene and the associated evidence are stored under TID Control Nos. 0796845 and 0796859.

[...]

Investigators' Notes

1. The investigation revealed that the following personnel did not have a Side-Handle Baton or collapsible baton (ASP) on their person at the time of the incident: Sergeants Eiman and Gomez, and Officers Peltekian, Tellez and Salcido.

In addition, the following personnel did not have a Hobble Restraint Device on their persons: Sergeants Eiman and Gomez and Officers Peltekian and Sanchez.

2. The investigation determined that the DOC was notified approximately 56 minutes after the OIS occurred. According to the 77th Division Watch Commander's log, Sergeant I Philip Zalba, Serial No. 36138, notified the 77th Patrol Commanding Officer, Captain I Michael Odle, Serial No. 22369, of the OIS at 0200 hours. The log entry indicated that the Commanding Officer from Southeast Division would make the notification to the DOC and FID. Additionally, the entry at 0205 hours indicated that Southeast Patrol Division, Lieutenant I Hendley Hawkins, Serial No. 34094, would notify the DOC and FID.

According to Lt. Hawkins Watch Commander log, the 77th Division Watch Commander made the notifications for the OIS. However, Lt. Hawkins was the supervisor who ultimately notified the DOC at 0225 hours.

OIG Note No. 10: Department policy dictates that the Watch Commander shall notify the Department Operations Center within 30 minutes of learning that a Categorical Use of Force has occurred. The policy further dictates that if such notification time exceeds 30 minutes, justification for the delay shall be documented on the Watch Commander's log.⁸¹

3. The following issues/inconsistencies were identified upon review of the Watch Commander and Supervisors' Logs:
 - Sergeant Zalba's Watch Commander Log indicated the Area as Southwest Division as opposed to 77th Street Division.
 - Sergeant Eiman's Daily Report erroneously indicated he was assigned to Harbor Division under unit designation 5L70 and the date as February 19, 2020.
 - Sergeant Gomez' Daily Report indicated that Sergeant Ruiz took over the monitoring of Officer Molina at 0150 hours, while Sergeant Ruiz' log indicated that he did so at 0140 hours.
4. On February 28, 2020, Detective Kirby and Detective II Jose Robledo, Serial No. 34492, interviewed Kolen's mother, Cynthia Wynder. According to Wynder, Kolen had a history of mental illness and would frequently hear voices. Wynder advised Detectives Robledo and Kirby that Kolen has been admitted into mental health facilities in the past and was diagnosed with Bipolar Schizophrenia. Kolen was provided with medication; however, she refused to take it.

According to Wynder, Kolen informed her that the voices warned her that people were trying to harm and/or kill her and her family members. Kolen also believed that her phone was being tapped and that everyone hated her.

According to Wynder, approximately two nights prior to this incident, she and Kolen were watching the news together. The news covered a story about an OIS involving an individual armed with a knife. According to Wynder, Kolen *jumped up* and appeared to be very interested in the story. Shortly thereafter, Kolen began writing in a notebook. Investigators were unable to identify the news footage Wynder and Kolen viewed.

⁸¹ Los Angeles Police Department Manuel, Volume 3, Section 794.35 Categorical Use of Force – Notifications.

According to Detective Kirby, Wynder provided them with Kolen's notebook and directed them to specific pages that contained handwriting. Wynder permitted Detectives Kirby and Robledo to take custody of the notebook pages.

[...]

Using Department resources, investigators discovered the following incidents involving Kolen.

- On June 12, 2018, Kolen received treatment at Mission Hospital Laguna Beach, where she was placed on a 72-hour hold under Welfare and Institutions Code (WIC) 5150, citing that she was a danger to herself or others (DTSO). On June 14, 2018, the hold was extended per 5250 WIC, citing that Kolen was a DTSO or gravely disabled.

Wynder was unaware that Kolen was at the hospital and filed a Missing Person Report at Harbor Patrol Division (DR No. 1805-11866) on June 12, 2018. On June 16, 2018, Harbor Area, Detective I Patrick Roman, Serial No. 27539, spoke with a representative from Mission Hospital, who confirmed that Kolen was in their facility. Per the Detective's Case Progress Log, Kolen advised the hospital staff that she did not want her family to be told her whereabouts.

Detective Roman called Wynder and advised her that Kolen was in a care facility; however, did not disclose the location.

- On June 18, 2019, a man who was later identified as Blake Wingfield, called 911 and spoke with CD. He advised CD that his girlfriend (Kolen) suffers from mental illness, was not taking her medication and was threatening to commit suicide. In addition, Wingfield advised CD that Kolen left a suicide note at their residence and has attempted suicide in the past.

Los Angeles Police Department, 77th Street Patrol Division officers responded to the location and located Kolen at a nearby park. Kolen was ultimately placed on a 72-hour hold, per 5150 WIC, citing she was a DTSO. Kolen was transported to Mental Health Urgent Care at Martin Luther King by Exodus for treatment (LAPD Incident No. 190618006732).

- On October 29, 2019, Kolen received treatment at College Medical Center where she was placed on a 72-hour hold under 5150 WIC, citing she was a DTSO. On October 30, 2019, Kolen was transferred to Harbor UCLA-Medical Center for further treatment.
- On December 29, 2019, Wingfield called 911 and reported that Kolen was off of her medication and having suicidal ideations. Los Angeles Police Department,

77th Street Patrol Division officers responded and conducted an investigation. The officers contacted MEU and determined that Kolen did not meet the criteria for a 5150 WIC hold (LAPD Incident No. 19122900000102).

5. The investigation revealed the following DICVS deviations;

- Officers Molina and Park left their DICVS microphones in the vehicle upon exiting; therefore, once out of the vehicle, their verbal communications were not captured on DICV.
- Sergeant Gomez' DICVS microphone was not was not synced; therefore, there was no audio associated with her video.

6. The investigation revealed the following BWV deviations;

- Officers Molina's BWV had no buffering period due to being powered off in the field. She believed her camera had been powered on.
- During the two-minute buffering period, Officer Park's BWV camera was lying in the center console of their vehicle. She picked up the device and affixed it to her chest prior to activation. According to Officer Park, she keeps her BWV on the console while driving because the seatbelt induced malfunctions with her pervious camera.
- Officer Peltekian did not activate his BWV while escorting Kolen to the hospital in the RA. He believed it wasn't necessary and was concerned about potential Health Insurance Portability and Accountability Act (HIPPA) violations.

OIG Note No. 11: *Department policy requires officers to “activate their BWV devices prior to initiating any investigative or enforcement activity involving a member of the public,” including all “Uses of force” and “In-custody transports”. Exceptions to this requirement include when officers are in “patient-care areas of a hospital... or other healthcare facility unless an enforcement action is taken in these areas.”⁸²*

- Officer Sutliff had a reduced buffer due to his BWV being powered off in the field. He was unsure why the camera was off.
- Officer Salcido had a reduced buffer due to is BWV being powered off in the field. He was unaware the camera was off and believed his seatbelt could have caused it to turn off.

⁸² Department Manual, Volume 3/579.15, Objectives of Body Worn Video.

- Sergeant Eiman reviewed his BWV on his Department cellular phone while at the Command Post (CP). According to Sergeant Eiman, he did so in order to establish which officers were part of the arrest team.

On March 5, 2020, Captain Alfred Pasos, Serial No. 25501, Commanding Officer, Force Investigation Division, notified the Director, Office of Operations, Assistant Chief Robert N. Arcos, of the reduced BWV buffer issue related to Officer Molina.

On October 6, 2020, Commander Timothy Nordquist, Serial No. 35492, Commanding Officer, Force Investigation Group, notified Commander Michael Rimkunas, Serial No. 32211, Assistant to the Director, Office of Operations, of the above issues.

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CHIEF OF POLICE REPORT⁸³

Chief of Police Findings

Tactics – Administrative Disapproval, Officer Park. Tactical Debrief, Officer Molina.

Drawing/Exhibiting – In Policy, No Further Action, Officers Park and Molina

Non-Lethal Use of Force – In Policy, No Further Action, Officers Park and Molina.

Lethal Use of Force – In Policy, No Further Action, Officer Molina.

Chief of Police Analysis

Detention

- Officers Park and Molina responded to an “Unknown Trouble” radio call regarding a woman requesting the response of a police officer. Officers arrived and contacted Kolen, who was possibly involved in the radio call. While speaking with Kolen, Officer Park observed a silver object located in the area of Kolen’s rear waistband. Believing the silver object was a possible weapon, Officer Park attempted to detain Kolen to conduct a cursory pat down search. Officer Molina also attempted to physically detain Kolen who resisted the attempt to search and produced a knife from Kolen’s rear waistband area. Kolen walked towards Officers Park and Molina while armed with the knife resulting in an OIS. The actions of detaining Kolen during this incident were appropriate and within Department policies and procedures.

Tactics

- Department policy relative to a Tactical Debrief is: *“The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance.”*

Department policy relative to Administrative Disapproval is: *“A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training” (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

⁸³ The information provided in this section summarizes the analysis and findings set forth in the Chief of Police’s report for this case.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication** (Los Angeles Police Department, Use of Force - Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016).

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Park and Molina have worked together as partners for approximately five to six months and have had previous discussions regarding tactics. According to Officer Park, Officers Park and Molina had a standing tactical plan which specified that if one officer attempted to physically detain a suspect, the partner officer would additionally physically detain the suspect, believing that the initiating officer observed something, such as a possible threat that the partner officer had not observed. On the day of the OIS incident, Officer Park was the driver officer and would primarily be the contact officer on incidents, while Officer Molina was the passenger officer and would be the cover officer. Depending on the situation, the roles could be switched.

After receiving the unknown trouble radio call, Officer Molina read the comments to Officer Park as they responded Code Three. According to Officer Molina, the unknown trouble radio call made it difficult to discuss a tactical plan due not knowing the cause of the radio call. After arriving at scene, Officer Park and Molina made contact with Kolen. The UOFRB noted that although Officers Park and Molina discussed their roles of contact and cover, they both participated in verbally contacting Kolen. During their investigation, Officer Park observed a silver object to the right rear side of Kolen's waistband. Officer Park did not want to alert Kolen of her observation and cause an adverse reaction; therefore, Officer Park did not advise Officer Molina about the object. Officer Park's plan was to place Kolen into a standing position, apply handcuffs, and conduct a cursory pat down search of her person for weapons.

The UOFRB discussed Officer Park's plan to place Kolen into a standing position, apply handcuffs, and conduct a cursory search of her person for weapons. The UOFRB would have preferred Officer Park to have communicated her observations with Officer Molina of a possible weapon in Kolen's waistband. After communicating with Officer Molina, the UOFRB would have preferred that Officer Park then make an appropriate tactical plan that would have allowed her and Officer Molina to take Kolen into custody, from a position of distance and cover, using high risk pedestrian stop tactics.

Assessment – Officers Park and Molina assessed the incident and Kolen's action and behavior throughout the incident. Upon arrival to the scene, Officers Park and Molina assessed the scene and located Kolen sitting between two parked vehicles. According to Officer Molina, Kolen had a blank stare, her face was expressionless, and her replies were very short. Based on Kolen's demeanor and the tone of her voice, Officer Molina believed that Kolen was possibly the victim of a crime and/or suffering from depression. During their conversation, Kolen identified herself as Dorothy and indicated that she lived nearby. Kolen reiterated to the officers that she was okay and denied calling the police. Officers Molina and Park then turned and walked towards the location of the radio call to continue their investigation of the unknown trouble radio call. As they walked, Kolen stated, "Don't go there. They didn't call you." This statement led Officers Park and Molina to reassess Kolen's role in the radio call. Officers Park and Molina returned to Kolen and attempted to re-engage her in conversation and gain more information. According to Officer Molina, it appeared that Kolen was trying to prevent them from speaking with the residents of the location of the radio call. As Officers Park and Molina continued speaking with Kolen and assuring her that she was not in trouble and that they were there to help her, Officer Park noted Kolen was minimally responding to their questions and would just look at them. Officers Park and Molina assessed Kolen was a possible victim of the unknown trouble or possibly was suffering from depression or experiencing a challenge related to mental health.

Officer Park assessed that the interaction with Kolen seemed a little "off." Officer Park was unsure of the situation and was thinking about multiple possible scenarios to explain Kolen's behavior, such as a possible ambush. Officer Park decided to check the interior of the nearby parked vehicles, redeployed onto the north sidewalk, and placed himself in a position of advantage, triangulated with Officer Molina and Kolen. Officer Park observed a silver object which she assessed to possibly be a weapon.

During the OIS, Officer Molina assessed after each of her two discharged rounds. Officer Molina observed that after her first round, Kolen's actions had not stopped and Officer Molina discharged a second round. After Officer Molina's second round, Kolen fell to the ground and stopped moving towards Officers Park and Molina. Officer Molina immediately ceased firing and continued to cover Kolen in a low-ready position.

The UOFRB discussed that Officers Park and Molina continuously assessed the circumstances that presented themselves during the radio call. The initial assessment of Kolen was that she was not being aggressive or combative. Officers Molina and Park believed Kolen to be a possible victim of a crime or possibly suffering from depression. The UOFRB noted the Officers Park and Molina showed compassion by assuring Kolen that it was okay if she called the police and that they were there to help her. Although Officer Molina did not observe any visible injuries on Kolen's body, she asked her if she needed an ambulance. The UOFRB additionally noted Officers Molina and Park kept their service pistols holstered during these interactions.

After Kolen was in custody, Sergeant Eiman continued to assess her status. Sergeant Eiman, when advised that Kolen was not breathing, directed officers to begin CPR until they were relieved by LAFD.

Time – Officers Park and Molina contacted Kolen and utilized time by communicating with her. They assured Kolen that she was not in trouble and that they were there to help her. Officer Park noted Kolen was responding minimally to their questions and would just look at them. Officers Park and Molina assessed Kolen was a possible victim of the unknown trouble, or possibly was suffering from depression.

Officer Park felt that the interaction with Kolen was a little “off.” Time allowed Officer Park to redeploy to the north sidewalk of 78th Street, with the intention to move to a position of advantage where she and Officer Molina could triangulate on Kolen. This new position allowed Officer Park the opportunity to observe a silver object to the rear of Kolen's waistband area.

The UOFRB discussed that time was a critical factor in Officer Park and Molina's interaction with Kolen. Officers Park and Molina utilized time to their advantage in their initial questioning of Kolen. However, once Officer Park identified a possible weapon in Kolen's rear waistband, time was not utilized to the officer's advantage. The UOFRB would have preferred that Officer Park not immediately attempt to detain Kolen after observing a possible weapon in her waistband. Kolen was already seated on the sidewalk in a position of tactical disadvantage and at the time was not aggressive or combative. Officer Park should have utilized time to communicate with Officer Molina her observations and then formulate a plan to take Kolen into custody utilizing appropriate high-risk pedestrian stop tactics.

Redeployment and/or Containment – Officers Park and Molina continued speaking with Kolen. Based on her training and experience, Officer Park believed that the interaction with Kolen seemed a little “off”, leading Officer Park to believe that Kolen was the source of the radio call. Additionally, Officer Park was unsure of the situation and was thinking about multiple possible scenarios to explain Kolen's behavior, such as a possible ambush. Officer Park decided to redeploy to the north

sidewalk of 78th Street with the intention to move to a position of advantage where she and her partner could triangulate on Kolen.

Once Kolen produced a knife from her waistband, Officers Park and Molina attempted to re-deploy by walking backwards away from Kolen in an attempt to create distance.

The UOFRB noted that Officers Park and Molina attempted to redeploy away from Kolen by backpedaling, after Kolen armed herself with a knife. Officers Park and Molina redeployed approximately 32 feet away from Kolen prior to Officer Molina discharging her first round. During this entire redeployment maneuver, Officer Park and Molina gave verbal commands to Kolen in an attempt to gain voluntary compliance.

Other Resources – While Officers Park and Molina were investigating the unknown trouble radio call, Officers Sutliff and Cabrera responded and offered to assist with the radio call. Officers Park and Molina declined the offered assistance. Officer Park believed at the time that an additional unit was not necessary. They had minimal information on the investigation and they believed Kolen was possibly a victim associated with the radio call.

When Officers Park and Molina were unable to gain further information from Kolen besides her name, Dorothy, Officer Molina contacted CD and requested the name of the Person Reporting.

The UOFRB noted that Officers Park and Molina's decision to decline Officers Sutliff and Cabrera's offer of assistance. The UOFRB would have preferred that Officers Park and Molina to have utilized Officers Sutliff and Cabrera to either stand by with Kolen or to contact the occupants of the radio call location in order to further their investigation.

After the OIS, Sergeant Eiman initiated the formation of an arrest team. The arrest team utilized multiple resources including less-lethal force options, such as a Beanbag Shotgun and a TASER, and a ballistic shield.

Lines of Communication – Officers Park and Molina engaged Kolen in a dialogue and attempted to gain information from her utilizing several different questions, while reassuring her that she was not in trouble and that the officers were there to help her.

The UOFRB noted the compassion by the officers communicated with Kolen, in which they advised her that they were there to assist her and that she was not in trouble. The UOFRB additionally noted that although each had a designated contact and cover role, both officers served as the contact officer at various times, as they communicated with Kolen.

Officer Park observed a silver object to the rear of Kolen's waistband. Officer Park did not want to alert Kolen of her observation and cause an adverse reaction; therefore, she did not advise Officer Molina about the object she believed was a possible weapon. During the attempt to detain Kolen for a cursory pat down search, Officers Park and Molina attempted to continue to de-escalate the situation by advising Kolen, "We're trying to help you," and "Calm down." After Kolen produced a knife and moved towards the officers, commands to stop were given to Kolen, in an attempt to gain her compliance. According to the FID investigation, it was determined that from the time Kolen began walking towards the officers while armed with the knife, to the time of the OIS, approximately six seconds elapsed. In addition, the FID analysis determined that Officer Molina backed up approximately 32 feet prior to firing her first round.

The UOFRB was critical of Officer Park and Molina's communication with each other. Throughout the investigation of the radio call, Officer Park and Molina did not communicate their inferences and observations during their interaction with Kolen. Officer Park redeployed to Kolen's opposite side without alerting Officer Molina and when Officer Park observed a possible weapon in Kolen's waistband, she did not communicate her observations to Officer Molina. The UOFRB noted that Officer Park was standing behind Kolen and would have been able to utilize an alternative form of communication such as hand signs. The UOFRB would have preferred that Officer Park to have communicated with Officer Molina her observations and then formulate a plan to take Kolen into custody utilizing distance, cover, and appropriate high-risk pedestrian stop tactics.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Tactical Planning/Communication (Substantial Deviation, without Justification – Officer Park)

Officers must approach every contact, whether a consensual encounter or a lawful detention, with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves:

- *Advising the primary officer of any critical occurrences or safety issues (e.g., movement within the target vehicle, someone approaching outside the primary officer's field of vision, possible crossfire situations, etc.),*
- *Avoid inappropriate interruptions, and*
- *Avoid giving directions which conflict with those given by the primary officer. Only one person, usually the primary officer, gives the commands, unless a specific situation calls for another officer to issue a command (California*

Officer Park failed to develop and communicate a tactical plan with Officer Molina when they encountered a suspect who Officer Park believed was potentially armed with a weapon.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their recognition of an unsafe situation and by working together collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, Officers Park and Molina had worked together as partners for approximately five to six months and had numerous discussions regarding tactics. Additionally, Officers Park and Molina had a standing tactical plan, which specified that if one officer attempted to physically detain a suspect, the partner officer would additionally physically detain the suspect, believing that the initiating officer observed something, such as a possible threat, that the partner officer had not observed. On the day of the OIS incident, Officer Park was the driver officer and would primarily be the contact officer on incidents, while Officer Molina was the passenger officer and would be the cover officer. The roles could be switched, depending on the situation.

Officers Molina and Park were assigned an unknown trouble radio call, which made it difficult to discuss a tactical plan due not knowing the cause of the radio call; however, Officer Molina read the comments of the radio call to Officer Park as they responded. Upon arrival to the radio call location, the officers made contact with Kolen. During the officers' investigation, they observed Kolen had a blank stare, her face was expressionless, and her replies were very short. Both officers believed Kolen was a victim of a crime or was suffering from depression. Officer Park noted Kolen was not responding very well to their questions and would just look at them. Based on her training and experience, Officer Park believed that the interaction with Kolen seemed a little "off", leading Officer Park to believe that Kolen was the source of the radio call. Additionally, Officer Park was unsure of the situation and was thinking about multiple possible scenarios to explain Kolen's behavior, such as a possible ambush. Officer Park decided to redeploy to the north sidewalk of 78th Street, with the intention to move to a position of advantage where she and her partner could triangulate on Kolen. Officer Park observed a silver object to the right rear side of Kolen's waistband. Officer Park did not want to alert Kolen of her observation and cause an adverse reaction. Therefore, she did not verbally advise Officer Molina about the object that she believed was a possible weapon.

Officer Park was cognizant that Officer Molina was standing in front of Kolen and feared for her safety. Believing Kolen was possibly armed with a weapon; Officer Park decided to detain Kolen pending further investigation. Officer Park's plan was

to place Kolen into a standing position, apply handcuffs, and conduct a cursory search of her person for weapons. Officer Park ordered Kolen to stand up, but she did not comply. Therefore, Officer Park decided to go hands on with Kolen, in order to control and prevent her from reaching for the silver object. Officer Molina heard Officer Park advise Kolen to stand up and observed Officer Park place her hands on Kolen. Officer Molina felt that Officer Park may have observed something Officer Molina had not observed or that Kolen was possibly armed with a weapon. Kolen stood up, resisted detention, produced a knife, and moved towards the officers, which resulted in the OIS incident.

The UOFRB was critical of Officer Park in not communicating her observation that Kolen was possibly armed with a weapon. Although they had a standing plan involving non-verbal actions, such as going “hands on” with a suspect meant that the suspect possibly had a weapon, the UOFRB would have preferred better communication better the officers. The UOFRB noted that Officer Park could have utilized hand signals or alternative communications methods to communicate with Officer Molina, if she was concerned about alerting Kolen of her observations. The UOFRB noted that once Officer Park initiated physical contact with Kolen, Officer Molina had limited time to assess the situation and had to quickly react to Officer Park’s decision to detain Kolen. In addition, the UOFRB noted that Officer Park did not communicate her decision to redeploy to the north sidewalk and on the other of the parked cargo van.

The UOFRB was critical of Officer Park’s decision to physically detain Kolen for a pat down search. The UOFRB determined, and the Chief concurred, that it would have been preferable for Officer Park to advise Officer Molina of her observations and directed Officer Molina to redeploy. Further, Officer Park should have relocated to a position of cover and requested additional units and/or a back-up while continuing to verbalize with Kolen and utilize available time to form a plan to safely take Kolen into custody utilizing appropriate high-risk pedestrian stop tactics.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer Park’s lack of communication with her partner regarding her observation of a possible weapon and her lack of planning prior to attempting to detain a possibly armed suspect were substantial deviations, without justification, from approved Department tactical training. In order to enhance future performance, the Chief will direct these to be topics of discussion during the Tactical Debrief.

The UOFRB noted Officer Molina’s limited opportunity in the tactical communication and planning once Officer Park observed a possible weapon to the rear of Kolen waistband. Officer Park failed to communicate her observations and failed to implement a plan sufficient to detain a possibly armed suspect. It was not until Officer Park attempted to physically detain Kolen that Officer Molina believed, based on their standing plan, that Officer Park had observed something Officer Molina had not observed or Kolen was possibly armed with a weapon. Officer Park did not communicate either possibility to Officer Molina which left Officer Molina with limited

time to assess the situation and then physically assist Officer Park in detaining Kolen.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer Molina's attempt to assist Officer Park with detaining Kolen was not a deviation from approved Department tactical training. In order to enhance future performance, the Chief will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Tactical Vehicle Deployment – Officer Park parked the police vehicle directly across the street from the radio call location. Had Officer Park parked further down the street on the same side as the location of the radio call this would have provided a greater tactical advantage on the officers' approach to the radio call. The Chief will direct this to be a topic of discussion during the Tactical Debrief.

Initiating Physical Contact with a Flashlight in Hand – Officer Park attempted to physically detain Kolen while still holding her flashlight in her left hand. Officers are reminded that utilizing both hands when attempting to detain a suspect can provide a higher level of control than one hand. The Chief will direct this to be a topic of discussion during the Tactical Debrief.

Profanity – When Kolen armed herself with a knife from her rear waistband, Officer Molina utilized profanity. Although in this case the actions of Kolen were dynamic, officers are reminded to remain professional in their encounters with the community. The Chief will direct this to be a topic of discussion during the Tactical Debrief.

Maintaining Control of Equipment (Flashlight) – Officer Park intentionally dropped her flashlight on to the ground when Kolen, who was armed with a knife, moved towards her and Officer Molina. Officer Park dropped her flashlight to retrieve her radio from its belt mounted holster and broadcast a backup request. Officers are reminded that, when possible it is important to retain necessary equipment, such as a flashlight, while operating in low light conditions. The Chief will direct this to be a topic of discussion during the Tactical Debrief.

Tactical Communication – After the OIS incident, Officer Molina requested CD to advise the responding units that she and Officer Park were facing east. Officer Molina made that request in order to avoid potential crossfire situations. A broadcast with specific information on a direction of approach to the location would have assisted responding units in assessing a safe avenue of approach. The Chief will direct this to be a topic of discussion during the Tactical Debrief.

- **Command and Control**

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated officers use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct officers and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

Sergeant Eiman responded to the incident and was the first supervisor to arrive. Sergeant Eiman initiated the formation of a contact/arrest team and directed the team to take Kolen into custody. Sergeant Eiman identified that Kolen was not conscious or breathing and directed officers to initiate CPR. Sergeant Eiman directed officers to set up a crime scene, preserve evidence, and canvass for witnesses and possible victims. He implemented crime scene management while maintaining communication with Sergeant Gomez.

The UOFRB noted that it would have been preferred for Sergeant Eiman to have removed Officer Park and Molina from the contact/arrest in order to properly separate and monitor them. However, Sergeant Eiman was acting with the intention of taking Kolen into custody as expediently as possible in order to render medical aid

to her. Sergeant Eiman should have also assessed the officers at scene and ordered officers that were not specifically assigned as designated cover officers to holster their service pistols.

Sergeant Gomez responded to the incident and assisted with the formation of the contact/arrest team. Sergeant Gomez retrieved a ballistic shield for the arrest/contact team from her police vehicle for use while the arrest team was approaching Kolen. After Kolen was taken into custody, Sergeant Gomez broadcast a Code Four and declared herself IC. Sergeant Gomez identified Officers Park and Molina as the involved officers and separated and monitored them. Sergeant Gomez directed Sergeant An to monitor Officer Park, take custody of Officer Park's BWV, and to obtain a PSS. Sergeant Gomez obtained a PSS from Officer Molina and took custody of Officer Molina's BWV. Sergeant Gomez directed the creation of a Command Post (CP) on Hoover Street, south of 78th Street and ensured the crime scene was maintained.

Sergeant An responded to the OIS incident. Sergeant An monitored Officer Park, took custody of her BWV, and a PSS from Officer Park.

The actions of Sergeants Eiman, Gomez, and An were consistent with Department supervisory training and the Chief's expectations of a field supervisor during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Officer Park's actions were a substantial deviation, without justification, from Department policy and training, thus requiring a finding of Administrative Disapproval. Officer Molina's actions did not deviate from Department policy and training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

Therefore, the Chief will direct Officers Molina and Park to attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);

- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

- On March 5th, 2020, Officer Park and Molina attended a General Training Update (GTU) where all mandatory topics were covered.

Drawing/Exhibiting

- Department policy relative to drawing and exhibiting a firearm is: *“An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified” (Los Angeles Police Department Manual, Volume No. 1, Section 556.80.*

Officer Molina (1st Occurrence)

According to Officer Molina, after she lost her grip of Kolen’s arm, she moved forward to grab Kolen’s arm again. As Officer Molina came within approximately three feet of Kolen, Officer Molina observed Kolen produce a kitchen knife. Officer Molina perceived Kolen had raised, in an overhand grip, the kitchen knife to the area near Kolen’s head. Officer Molina drew her service pistol because Officer Molina believed that Kolen was going to attempt to stab her and Officer Park with the knife.

Officer Molina recalled, *“At that point I tried to move forward to grab her arm again, and then I don’t know out of where she produced the -- I think it was, like, 12-inch -- it’s like a kitchen knife. And then when I -- she turned around and faced us and that’s when she placed the overhand grip on the knife and she had it placed where her head is.”*⁸⁴

*“I believe that when she had it over her head, she was maybe three feet -- three feet from me maybe.”*⁸⁵

*“I, at that point, unholstered my firearm, because I thought that, you know, she was going to try to stab us with a knife.”*⁸⁶

⁸⁴ Officer Molina, Page 41, Lines 4-10.

⁸⁵ Officer Molina, Page 43, Lines 11-13.

⁸⁶ Officer Molina, Page 41, Lines 23-25.

Officer Molina (2nd Occurrence)

According to Officer Molina, she holstered her service pistol because she intended to broadcast a help call but realized that Officer Park had already broadcast a help call. Officer Molina recognized that Kolen was still in close proximity to Kolen's knife, had not been handcuffed, and could pick up the knife again. Officer Molina drew her service pistol for a second time.

*"I holstered back up, because I was going to put out -- I was going to put out the help call, but then I realized my partner put out the help call. And then I realized, you know, she's not in cuffs yet and the knife is still there, so I decided I needed to draw my firearm again, because she's not in cuffs and she could still pick up the knife again."*⁸⁷

Officer Park

According to Officer Park, she unholstered her service pistol when she observed Kolen had produced an "item" which she later identified as a "big kitchen knife" from her rear waistband. Kolen pointed the knife at her and Officer Molina, from approximately 20 feet away. Officer Park was afraid for her own life and her partner's life due to Kolen's actions with the knife.

Officer Park recalled, *"I'm telling her, 'Just come back here. We're trying to help.' And then she produces the item from the rear waistband."*⁸⁸ *"I see a big kitchen knife."*⁸⁹

*"The minute I saw the knife, I unholstered my firearm with my right hand."*⁹⁰

*"Because she had a knife. I was afraid for my life and my partner's. She had it pointed toward us."*⁹¹

*"At this point she's like 20 -- yeah. . . 20 feet."*⁹²

The UOFRB conducted a diligent evaluation of the reasonableness of Officers Molina and Park's drawing and exhibiting of their service pistols. The UOFRB noted that while Officers Park and Molina were initially investigating the unknown trouble

⁸⁷ Officer Molina, Page 66, Line 20 – Page 67, Line 1.

⁸⁸ Officer Park, Page 46, Lines 4-6.

⁸⁹ Officer Park, Page 46, Line 24.

⁹⁰ Officer Park, Page 48, Lines 23-24.

⁹¹ Officer Park, Page 28, Lines 16-20.

⁹² Officer Park, Page 28, Line 19 – Page 2, Line 3.

radio call, they did not unholster their service pistols prematurely. Officers Molina and Park only drew their service pistols when they were confronted by Kolen who was observed wielding a knife in close proximity. After Officer Molina was involved in the OIS, she attempted to broadcast a help call. This led her to holster her service pistol. After realizing that Officer Park had already broadcast the help call, Officer Molina drew her service pistol again due to the continuing possible threat that Kolen presented by being in close proximity to the knife, while still being unhandcuffed.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Park and Molina, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officers Park and Molina's Drawing/Exhibiting to be In-Policy, No Further Action.

Policy on the Use of Force

Use of De-Escalation Techniques⁹³

- *It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.*

Use of Force – Non-Deadly⁹⁴

- *It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance*

⁹³ Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

⁹⁴ Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

Officer Park – Firm Grip

According to Officer Park, she ordered Kolen to stand up, but Kolen did not comply. Therefore, Officer Park decided to go “hands on” with Kolen, in order to control and prevent Kolen from reaching for the silver object. While holding her flashlight in her left hand, Officer Park leaned forward and used her right hand to grab a hold of Kolen’s right bicep. Officer Park utilized a C-grip with both hands on Kolen’s bicep. According to Officer Park, once Kolen stood up and she began “pulling away” from Officer Park. Kolen pulled her body in an “eastbound” direction towards the north sidewalk of 78th Street and repeated “No, no, no.” As Kolen pulled away she was “wiggling” her arm and pulled it into the interior of her sweatshirt. Officer Park lost her grip on Kolen’s right arm.

Officer Park recalled, *“I looked to the suspect and I saw something. It was like a -- not even an inch like a silver -- it was just caught my light on it, so I was like what is that? I didn't know what -- I couldn't tell what it was. She was sitting down. It wasn't -- it wasn't in her pocket. It was on her right rear side, like, area.”*⁹⁵

*“I need to take control of her hands so she doesn't reach for anything. I just wanted to clear anything on her waistband or whatever for our safety. So that was my train of thought.”*⁹⁶

*“That's why I decided to go hands on to prevent her from ever reaching that area.”*⁹⁷

*“To -- to get her up and put her in cuffs.”*⁹⁸

*“For our safety to check any--if it's a weapon, you know, check for weapons to -- for mainly officer safety just to know what it is. I just wanted to know -- find out what that thing was.”*⁹⁹

*“When I grabbed her. When I grabbed her right arm.”*¹⁰⁰ *“Her bicep.”*¹⁰¹ *“Both hands.”*¹⁰²

⁹⁵ Officer Park, Page 36, Lines 1-7.

⁹⁶ Officer Park, Page 39, Lines 20-24.

⁹⁷ Officer Park, Page 37, Lines 8-9.

⁹⁸ Officer Park, Page 42, Lines 14-15.

⁹⁹ Officer Park, Page 42, Lines 19-23.

¹⁰⁰ Officer Park, Page 35, Lines 14-15.

¹⁰¹ Officer Park, Page 35, Line 20.

¹⁰² Officer Park, Page 81, Line 25.

Officer Park was asked a question regarding on the grip she utilized on Kolen.

DETECTIVE ROBLEDO: "... And did you -- you gripped her bicep like a -- kind of like a "C" grip?"

*OFFICER PARK: "Yes."*¹⁰³

*"Yes. Because the minute I said, "I need you to stand up," that's when we both approached the suspect."*¹⁰⁴

*"So I went hands on. I grabbed her arm. I still had my flashlight on my left hand. I grabbed her. My partner grabbed her. She was moving away from us, like walking backwards towards the -- onto the sidewalk, and she starts -- I don't know how to explain it. She, like, starts putting her arm into her sleeve -- her right sleeve. I had a hold of her right -- right arm, but she kept wiggling out her arm into her -- into her sweater, and then she runs -- she runs backwards and then we're still approaching her. I'm telling her, "We're trying to help. You know, come back. We're trying to help." And then she reaches behind her right rear area of her back -- the right rear area and she produces a knife. It's like a kitchen knife. It was a big knife."*¹⁰⁵

Officer Molina – Firm Grip

According to Officer Molina, she heard Officer Park state, "Hey, get up," and observed Officer Park place her hands on Kolen. Officer Molina believed Officer Park "saw something" Officer Molina did not see or Kolen "had some sort of weapon," because Kolen had been "fidgeting around a lot." A combination of Officer Park's actions and Kolen's demeanor caused Officer Molina to believe that Kolen was possibly armed with a weapon. Officer Molina approached Kolen and grabbed Kolen's right forearm in order to place it behind Kolen's back. As Officer Molina attempted to place Kolen's hand behind her back, Kolen "swung" her arm away from Officer Molina, causing Officer Molina to lose her grip of Kolen's arm.

Note: According to the FID investigation, Officer Molina approached Kolen's left side and grabbed Kolen's left wrist using both hands.

Officer Molina recalled, *"I approached her -- I was going, like, towards her. Because at that point when my partner had already told her to stand up and she started moving around more, I felt that maybe my partner saw something I didn't see or maybe she had -- she had some sort of weapon, because she was fidgeting around a lot. So I didn't have time to go around the other way, because then if something*

¹⁰³ Officer Park, Page 83, Lines 1-4.

¹⁰⁴ Officer Park, Page 84, Lines 2-4.

¹⁰⁵ Officer Park, Page 12, Line 12 – Page 13, Line 1.

would have happened to my partner, I would have been far from her. So I decided to just approach her straight and then I tried to grab one of her hands and she like then I think we ended up by the tree.”¹⁰⁶

“So as I was -- I was pulling on her forearm to try to place it behind her back. She -- she kind of swung her arm up as to break free from my grip, but she also kind of moved her body at the same time.”¹⁰⁷

“Because she had been fidgeting around and then as soon as my partner placed her hands on her and told her like, “Hey, get up,” that’s when she started going -- like moving around like -- and I believe she said, “No, no,” or something like that. So then I grabbed her forearm to try to place it behind her back.”¹⁰⁸

In this case, the UOFRB conducted a thorough review and analysis of the reasonableness of Officers Park and Molina’s non-deadly use of force. The UOFRB considered that Officer Park, based on her observations, believed Kolen was in possession of a possible weapon. Officer Park’s plan was to place Kolen into a standing position, apply handcuffs, and conduct a cursory pat down search for weapons. Officer Park ordered Kolen to stand up, but Kolen did not comply. Therefore, Officer Park decided to go “hands on” with Kolen, in order to control and prevent her from reaching for the silver object. Officer Molina heard Officer Park advise Kolen to stand up and observed Officer Park place her hands on Kolen. Officer Molina believed Officer Park may have observed something Officer Molina did not observe or Kolen was in possession of some type of weapon. The Chief noted that the physical force utilized by Officers Park and Molina (firm grip) was minimal and intended to effect a detention of Kolen.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Park and Molina, while faced with similar circumstances, would reasonably believe that this same application of non-lethal force would be reasonable to effect a detention of Kolen.

Therefore, the Chief found Officers Park and Molina’s non-lethal use of force to be objectively reasonable and In Policy, No Further Action.

¹⁰⁶ Officer Molina, Page 33, Line 18 – Page 34, Line 5.

¹⁰⁷ Officer Molina, Page 35, Lines 16-20.

¹⁰⁸ Officer Molina, Page 37, Lines 4-10.

Factors Used to Determine Objective Reasonableness¹⁰⁹

The Department examines reasonableness using Graham v. Connor and the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience, in the same situation, based on the totality of the circumstances.

In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The feasibility of using de-escalation tactics;*
- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances.*

Use of Force – Deadly¹¹⁰

It is the policy of this Department that deadly force shall be used only when necessary in defense of human life. Specifically, deadly force shall be used only to:

- *To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or*

¹⁰⁹ Office of the Chief of Police (OCOP), Special Order No. 4, “Policy on the Use of Force - Revised,” was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

¹¹⁰ Office of the Chief of Police (OCOP), Special Order No. 4, “Policy on the Use of Force - Revised,” was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

- *To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.*

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.

Note: *Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.*

The Department's Evaluation of Deadly Force¹¹¹

*The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.*

Officer Molina – 9mm, two rounds, from an approximate distance of 12 feet.

According to Officer Molina, Kolen walked towards her and Officer Park at a fast pace, while holding the knife in her right hand. As Kolen approached them, Officer Molina observed that Kolen was jabbing the knife forward in her direction, while holding the knife at waist level. Officer Park continued to give Kolen commands to stop. Officer Molina believed she observed Kolen move her head back and forth indicating that Kolen “was not going to stop.” Officer Molina was walking backwards as quickly as she could but could not walk backwards fast because she could not observe where she was going. Officer Molina felt like Kolen was “power walking” towards her and had closed enough distance where Officer Molina felt Kolen “was going to stab” them. When Officer Molina believed Kolen was approximately four feet to five feet away from her, Officer Molina discharged one round from her service pistol at Kolen to prevent Kolen from “hurting or killing” her or Officer Park. Officer Molina assessed after her first round and observed that Kolen was “not stopped” by the first round she had fired. Officer Molina “shot again,” from a distance she believed was approximately three feet, causing Kolen to fall to the ground. Officer Molina assessed again and did not feel that she needed to shoot anymore because

¹¹¹ Office of the Chief of Police (OCOP), Special Order No. 4, “Policy on the Use of Force - Revised,” was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

Kolen was on the ground, had dropped the knife, and felt Kolen was no longer a threat.

Officer Molina recalled, *"I remember at some point when we were telling her to stop, she shook her head indicating no."*¹¹²

*"She was closing distance while we were trying to create distance between her."*¹¹³

*"I felt that she was going to close distance on me or my partner. And I got scared, because I thought she was going to stab me or stab my partner and, like, kill one of us. So in an effort to try to like, you know, stop her from killing us, I got really scared and I shot. And I shot to just prevent her from hurting us or killing us."*¹¹⁴

*"I shot approximately two rounds. I shot two rounds, because I shot one and then she still was not down. She had not stopped, so I shot again and at that point she fell to the ground. So I assessed again and I didn't feel that I needed to shoot anymore, because she had already -- I believe she either dropped the knife or she was -- she was already on the floor, but I didn't feel like she was going to come -- be able to get back up and try to hurt us."*¹¹⁵

*"I think I remember kind of backing up, trying to create, like, distance from her and my partner was giving her commands, telling her to stop. I remember at some point when we were telling her to stop, she shook her head indicating no. So she moved her head like in a back and forth motion like this while she was still holding the -- I believe she was still holding the knife over her head and she -- pretty much what I -- what I believe to mean no. And as we kept backing up, she -- then I saw her come towards me with the knife. I think at this point she might have had it either mid level or she might have had it, like, here kind of and I think she had it like this."*¹¹⁶

*"Well, as she was coming towards me with the knife, she was walking really fast. I was walking backwards, so I couldn't walk fast walking backwards, because I couldn't see where I was going. So at that point I was trying to move as quickly as I could to try to create distance with her, but she -- it felt like to me like she was power walking towards me. So at some point she had closed enough distance where I felt she was going to stab me or she was going to stab my partner."*¹¹⁷

¹¹² Officer Molina, Page 17, Lines 15-16.

¹¹³ Officer Molina, Page 18, Lines 9-11.

¹¹⁴ Officer Molina, Page 19, Lines 5-11.

¹¹⁵ Officer Molina, Page 19, Lines 13-22.

¹¹⁶ Officer Molina, Page 17, Lines 12-25.

¹¹⁷ Officer Molina, Page 71, Lines 7-16.

*"I feel like fast. It felt fast."*¹¹⁸

*I believe maybe like four -- four feet, five feet.*¹¹⁹

Background – Officers Molina and Park responded to an unknown trouble radio call in a primarily residential area. The OIS incident occurred on the north sidewalk of 78th Street, just west of the Hoover Street. According to the FID investigation, BWV depicted that vehicles were parked along the north curb of 78th Street. The review of the BWV also determined that there were no pedestrian or vehicular traffic observed in Kolen's background. The UOFRB considered the background of Kolen during the OIS and determined, and the Chief concurred, that the background was clear of any visible concerns to Officer Molina during the OIS.

Note: According to the FID investigation, after producing the knife, Kolen stopped momentarily, then proceeded to walk in the officers' direction. As Kolen advanced toward the officers, she continued to hold the knife along her right side/hip area, with the blade facing in a northwesterly direction.

According to the FID investigation, Officer Molina discharged two rounds from her service pistol from an approximate distance of twelve feet. Both rounds were fired within approximately one second. The time between the first and second shot was approximately 0.43 of one second. The time from when Kolen began walking towards the officers with the knife to the time of the OIS was approximately six seconds. In addition, the analysis determined that Officer Molina backed up approximately 32 feet prior to discharging her first round.

In this case, the UOFRB conducted a thorough review and analysis of the reasonableness of Officer Molina's deadly force. The UOFRB took into consideration that Officer Park observed a silver object to the right rear side of Kolen's waistband, but did not advise Officer Molina, in an effort not to alert Kolen. Believing Kolen was possibly armed with a weapon; Officer Park decided to detain Kolen pending further investigation by placing Kolen into a standing position, apply handcuffs, and conduct a cursory pat down search of her person for weapons. The UOFRB was critical of Officer Park in not communicating her observation to Officer Molina that Kolen was possibly armed with a weapon and of Officer Park's decision to physically detain Kolen for a pat down search of a possibly armed suspect. The UOFRB noted Officer Molina's limited role in the tactical communication and planning once Officer Park observed a possible weapon to the rear of Kolen waistband. It was not until Officer Park attempted to detain Kolen that Officer Molina felt that maybe Officer Park observed something Officer Molina did not observe or Kolen was possibly armed with a weapon. Officer Molina was left with a limited

¹¹⁸ Officer Molina, Page 48, Lines 19-20.

¹¹⁹ Officer Molina, Page 46, Lines 23-24.

amount of time to assess the situation and then react to physically assist Officer Park in detaining Kolen, based on their standing plan.

The UOFRB considered that Officer Molina attempted to detain Kolen by grabbing Kolen's left wrist. Kolen resisted detention and began walking backwards, causing Officer Molina to lose her grip of Kolen. Kolen produced a kitchen knife from her rear waistband and then walked towards Officer Molina, with what Officer Molina described as at a "fast" pace, while holding the knife in her right hand. Officer Molina walked backwards as quickly as she could, in an effort to create distance from Kolen. Officer Molina felt like Kolen was "power walking" towards her and had closed distance on her. Officer Molina discharged one round from her service pistol at Kolen to prevent Kolen from injuring or killing her or Officer Park. Officer Molina estimated that Kolen was approximately four to five feet from her when she discharged the first round.

Officer Molina assessed after her first round and observed that Kolen was not stopped by the first round she had fired. Officer Molina discharged a second round, causing Kolen to fall to the ground. Officer Molina estimated that Kolen was approximately three feet away when she discharged her second round. Officer Molina assessed again and did not feel that she needed to discharge her service pistol anymore because Kolen was on the ground, had dropped the knife, and felt Kolen was no longer a threat.

The UOFRB considered that Officer Molina re-deployed backwards approximately 32 feet prior to the OIS. During this time, Kolen continued to walk towards Officer Molina and Park, ultimately closing to within approximately 12 feet of Officer Molina. The UOFRB also noted that Officer Molina discharged her first round, conducted an assessment that Kolen still presented an imminent threat of serious bodily injury or death to her or Officer Park, and then discharged her second and final round. The Chief noted that Officer Molina's estimation of her distance from Kolen when she discharged her first and second round were different from the FID investigation. The Chief also noted that the incident was dynamic and rapidly escalated. In this case, Officer Molina's estimation of distance was reasonable in relation to the rapid escalation of the incident by Kolen's actions. This rapid escalation by Kolen also limited the amount of time available to Officers Molina and Park to consider other force options. The Chief also noted the significance of Kolen's continued actions to close distance to Officer Molina, while armed with a knife, despite Officer Molina's attempt to walk backward away from Kolen and create distance.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Molina, would reasonably believe Kolen's actions presented an imminent threat of death or serious bodily injury and that the use of Deadly Force was necessary and objectively reasonable.

Therefore, the Chief found Officer Molina's use of lethal force to be In Policy, No Further Action.

Additional/Equipment

- **Tactical Communications** – While enroute to Officer Park's help call, Officer Tellez requested for Officer Peltekian to advise him of the call type that Officer Park was handling. Officer Peltekian did not advise Officer Tellez that he had heard the sound of gunshots during Officer Park's transmission for a request for backup. Officer Peltekian also did not communicate to Officer Tellez that he believed that an OIS had occurred. The Director of the Office of Operations (OO) advised that this issue was addressed through the generation of a Supervisory Action Item (SAI) and Divisional Training. As such, the Chief deemed no further action is necessary.

When Officer Park broadcast Shots Fired Officer Needs Help, the Radio Transmission Operator (RTO), Police Service Representative (PSR) M. Serrano, Serial No. N5634, did not repeat the "Shots Fired" portion of Officer Park's broadcast. Only the "Officer Needs Help" portion was repeated by PSR Serrano. The responding units were unaware that shots had been fired. An analysis of the radio transmissions was performed by CD and determined that Officer Park broadcast her "Shots Fired" portion of her help call simultaneously as PSR Serrano was broadcasting Officer Park's earlier back up request. This caused PSR Serrano to be unable to hear the "Shots Fired" portion of Officer Park's broadcast, due to limitations on the radio equipment utilized by CD. Captain A. Vargas, Serial No. 30493, Commanding Officer, Communication Division, advised that no corrective action was necessary. The Director of the Office of Support Services (OSS) concurred with this action. As such, the Chief deemed no further action is necessary.

- **Seatbelt** – Sergeant Eiman and Officers Tellez and Peltekian did not have their seatbelts fastened when they responded Code Three to the Help Call. Sergeant Eiman donned his seatbelt approximately one minute into his response. Officers Peltekian and Tellez donned their seatbelts approximately 30 seconds into their response. The Director of OO advised that this issue was addressed through the generation of a SAI and divisional training. As such, the Chief deemed no further action is necessary.
- **Required Equipment (Hobble Restraint Device)** – Sergeants Eiman and Gomez, along with Officers Peltekian and Sanchez, did not have their HRD on their person at the time of this incident. The Director of OO advised that this issue was addressed through the generation of a SAI and divisional training. As such, the Chief deemed no further action is necessary.
- **Required Equipment (Baton)** – Sergeants Eiman and Gomez, along with Officers Peltekian, Tellez and Salcido did not have a collapsible baton or side handle baton on their person at the time of this incident. The Director of OO advised that this

issue was addressed through the generation of a SAI and Divisional Training. As such, the Chief deemed no further action is necessary.

- **Bloodborne Pathogens** – When the arrest team took Kolen into custody, Officer Torres did not don protective gloves. Officer Torres was assigned to take physical control of Kolen. Officer Torres stated he had depleted his supply of gloves earlier in his shift. Officers are reminded to don protective equipment to avoid the contact with sources of possible bloodborne pathogens. The Director of OO advised that this issue was addressed through the generation of a SAI and divisional training. As such, the Chief deemed no further action is necessary.
- **Medical Treatment – Rendering Aid:** A Rescue Ambulance (RA) was requested by Officer Tellez after the OIS approximately one minute and 33 seconds prior to Kolen being taken into custody. Sergeant Eiman inquired if Kolen was breathing to which Officer Tellez responded that Kolen was not breathing. Sergeant Eiman directed an officer to begin cardiopulmonary resuscitation (CPR). Upon hearing this direction, Officer Skotte ran to his police vehicle to retrieve a CPR protective mask. Officer Peltekian, under the direction of Officer Sanchez, placed Kolen onto her left side. Officer Peltekian checked Kolen for a pulse to which he located a light pulse. Officer Peltekian was unsure if Kolen was breathing; therefore, he rolled Kolen onto her back into a supine position and administered chest compressions. Officer Salcedo donned protective gloves in the event he was needed to relieve Officer Peltekian. Officer Sanchez updated CD that the officers were conducting CPR on Kolen. An analysis of BWV by FID determined Officer Skotte took approximately 39 seconds to retrieve a CPR protective mask, but upon his return, he was advised that chest compressions were already being conducted on Kolen. Officer Peltekian continued chest compressions until Kolen gained consciousness.

Note: An analysis of BWV by FID investigators determined that Officer Peltekian conducted chest compressions for approximately one minute and 43 seconds.

According to Officer Peltekian, Kolen began to move and attempted to speak. Officer Peltekian ceased chest compressions. Officers Peltekian and Salcedo placed Kolen onto her left side, into a recovery position. While waiting to the arrival of the RA, officers continued to communicate with Kolen, using her first name and advising her that an RA was enroute. The officers also encouraged Kolen to continue breathing and to remain on her side.

- **Preservation of Evidence** – Officer Torres moved Kolen's knife after Kolen was taken into custody. Officer Torres advised that the knife was still in close proximity to Kolen. If the officers were to reposition Kolen onto her back to administer CPR, Kolen would have ended up lying on top of the knife. Therefore, upon direction of Sergeant Eiman, Officer Torres used his hand to move the knife in a northerly direction, then placed his boot on top of the knife blade. Although in this case the

officers moved the knife to facilitate the administering of medical aid, officers are reminded to minimize altering the crime scene and to take precautions to avoid altering conditions when touching evidence. The Director of OO advised that this issue was addressed through the generation of a SAI and Divisional Training. As such, the Chief deemed no further action is necessary.

- **DOC Notification** – The DOC was notified 56 minutes after the OIS by Lieutenant Hawkins. The Director of OO advised that this issue was addressed through the generation of a SAI and divisional training. As such, the Chief deemed no further action is necessary.
- **Protocols Subsequent to a CAT (Documentation)** – Sergeant Zalba's Watch Commander log indicted the area as "Southwest" despite being loaned to 77th Division. Sergeant Eiman's Sergeant Log indicated he was assigned to Harbor Division and assigned to unit 5L70, despite being loaned to 77th Division. Sergeant Gomez was relieved of monitoring Officer Molina by Sergeant G. Ruiz, Serial No. 36468, Southeast Patrol Division. Sergeant Gomez's log indicates the she was relieved at 0150 hours. Sergeant Ruiz's log indicated he relieved Sergeant Gomez at 0140 hours. The Director of OO advised that these issues was addressed with each supervisor through the generation of a SAI and divisional training. As such, the Chief deemed no further action is necessary.
- **DICVS** – The FID investigation revealed that Sergeant Gomez's DICVS microphone was not synchronized with the DICVS camera. The Commanding Officer of OSB advised that this issue was addressed through the generation of a SAI and the issuance Notice to Correct Deficiencies (NTC). The Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed that Officers Park and Molina left their DICVS microphones inside of their police vehicle and did not have the microphone on them during the incident. The Commanding Officer of OSB advised that this issue was addressed through the generation of a SAI and the initiation of a Personnel Complaint. The Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

- **BWV** – The investigation revealed Officer Molina's BWV was powered off in the field prior to responding to the radio call, which led to her BWV not having the required two-minute buffer. An analysis by OSB determined that Officer Molina had one prior BWV/DICVS non-compliance incident. The Commanding Officer of OSB advised that this issue was addressed through the generation of a SAI and the initiation of a Personnel Complaint. The Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed Officers Sutliff and Salcido's BWV was powered off in the field and did not have the required two-minute BWV buffer. An analysis by OSB

determined that neither officer had any prior BWV non-compliance incidents. The Commanding Officer of OSB advised that this issue was addressed through the generation of a SAI and divisional training. The Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

Operations South Bureau conducted a random inspection of BWV assigned to Officers Molina, Sutliff, and Salcido, from October 25, 2020 through November 24, 2020, for compliance with having a full two-minute buffer. The results of the inspections indicated Officers Molina, Sutliff, and Salcido were in compliance.

The investigation revealed Officer Peltekian did not activate his BWV when he escorted Kolen in the RA. According to Officer Peltekian, he believed that he was prohibited from recording inside of the RA due to medical confidentiality. An analysis by OSB determined that Officer Peltekian had one prior BWV non-compliance incident. The Commanding Officer of OSB advised this issue was addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. The Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

Operations South Bureau conducted a random inspection of BWV assigned to Officer Peltekian, from October 25, 2020 through November 24, 2020, for compliance with timely activations. The results of the inspection indicated Officer Peltekian was in compliance.

The investigation revealed that during the two-minute buffering period, Officer Park's BWV was lying on the center console of the police vehicle and was not attached to her uniform. Officer Park picked up the BWV device and affixed it to her uniform prior to activation. According to Officer Park, she keeps her BWV on the console while driving due to previous BWV malfunctions created by her seatbelt. The Commanding Officer of OSB advised that this issue was addressed through the generation of a SAI and the initiation of a Personnel Complaint. The Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed Sergeant Eiman viewed his BWV video prior to receiving authorization to do so by FID detectives. The Commanding Officer of OSB advised this issue was addressed through the generation of a SAI and divisional training. The Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

Audio/Video Recordings

- **Digital In-Car Video System (DICVS)** – Multiple police vehicles equipped with DICVS responded to this incident. None of the videos captured the OIS or had significant evidentiary value.

- **Body Worn Video (BWV)** – Multiple officers who responded to the incident were equipped with BWV.

Officers Park and Molina's BWV captured the OIS, as well the apprehension of Kolen.

Officers Sutliff, Cabrera, Peltekian, Tellez, Torres, Skotte, Salcido and Sanchez, and Sergeants Eiman and Gomez had BWV that captured portions of Kolen's apprehension.

Officer Peltekian's BWV captured him administering CPR to Kolen.

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INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment.

Detention

- The OIG concurs with the Chief's analysis.

Tactical De-Escalation

- The OIG concurs with the Chief's analysis.

Additional

- Following the OIS, there was a delay of approximately 3 minutes and 30 seconds before a request was made for the response of a Rescue Ambulance (RA). Although officers had not yet completed the process of taking Kolen into custody during this period of time, it would have been preferable to request an RA at the earliest feasible opportunity after the OIS had occurred, so as to avoid any undue delay in the provision of medical aid to Kolen.

BWV and DICVS Policy Compliance

SERIAL	NAME	TIMELY BWV ACTIVATION	FULL 2- MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
43054	Molina, Cecilia	Yes	No	Yes	N/A	N/A
41541	Sutliff, Keith	Yes	No	Yes	N/A	N/A
42866	Salcido, Danny	Yes	No	Yes	N/A	N/A
42345	Park, Sylvia	Yes	Yes	Yes	N/A	N/A

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief's findings.

Drawing and Exhibiting

- The OIG concurs with the Chief's findings.

Non-Lethal Use of Force

- The OIG concurs with the Chief's findings.

Lethal Use of Force

- The OIG concurs with the Chief's findings.
- The OIG noted that the significant tactical concerns identified by the Chief regarding Officer Park's lack of communication with her partner upon observing a possibly armed subject and her failure to form a plan to safely take that subject into custody utilizing appropriate high-risk pedestrian stop tactics were not attributable to Officer Molina and, therefore, were not factors in the assessment of Officer Molina's use of lethal force.

Upon observing Kolen with a knife, Officer Molina attempted to create distance from Kolen by redeploying backwards, and she also gave Kolen verbal commands to stop. However, Kolen continued to brandish the knife and to move toward Officer Molina as she (Officer Molina) redeployed. Given Kolen's action of arming herself with the knife, her non-compliance with verbal commands, her continued movement toward Officer Molina, and the approximately 12-foot distance between her and Officer Molina at the time of the OIS, the OIG concurs with the Chief's conclusion that it was reasonable for Officer Molina to believe the use of lethal force was necessary to defend against an imminent threat of death or serious bodily injury.



MARK P. SMITH
Inspector General